

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN DERMATOLOGICAL
TREATMENT DEVICES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1356

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION PARTIALLY TERMINATING THE INVESTIGATION WITH
RESPECT TO CERTAIN CLAIMS OF THE ASSERTED PATENTS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review, and thus to adopt, an initial determination (“ID”) (Order No. 16) issued by the presiding administrative law judge (“ALJ”) partially terminating the investigation with respect to certain claims of the asserted patents.

FOR FURTHER INFORMATION CONTACT: Benjamin S. Richards, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 708-5453. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on April 6, 2023 based on a complaint filed by Serendia, LLC (“Serendia”). 88 FR 20551 (Apr. 6, 2023). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain dermatological treatment devices by reason of infringement of certain claims of U.S. Patent No. 9,480,836 (“the ’836 patent”); U.S. Patent No. 10,058,379 (“the ’379 patent”); U.S. Patent No. 11,406,444 (“the ’444 patent”); U.S. Patent No. 9,320,536 (“the ’536 patent”); U.S. Patent No. 9,775,774 (“the ’774 patent”); and U.S. Patent No. 10,869,812 (“the ’812 patent”) (collectively, “the asserted patents”). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission’s notice of investigation named as respondents Sung Hwan E&B Co., LTD. d/b/a SHEnB Co. LTD of Seoul, Republic of Korea; Aesthetics Biomedical, Inc. of Phoenix, AZ;

Cartessa Aesthetics, LLC of Melville, NY; Lutronic Corporation of Goyang-si, Republic of Korea; Lutronic Aesthetics, Inc., also known as Lutronic, Inc. of Billerica, MA; Lutronic, LLC of Billerica, MA; Ilooda, Co., Ltd. of Anyang-si, Republic of Korea; Cutera, Inc. of Brisbane, CA; Jeisys Medical Inc. of Seoul, Republic of Korea; Cynosure, LLC of Westford, MA; Rohrer Aesthetics, LLC of Homewood, AL; Rohrer Aesthetics, Inc. of Homewood, AL; EndyMed Medical Ltd. of Caesarea, Israel; EndyMed Medical, Ltd. of New York, NY; and EndyMed Medical, Inc. of Freehold, NJ (collectively, “Respondents”). *Id.* at 20552. The Office of Unfair Import Investigations (“OUII”) is also participating in the investigation. *Id.*

On June 22, 2023, Serendia moved to partially terminate the investigation by withdrawing claims 2, 8, and 12 of the ’536 patent; claims 1, 6-12, and 15 of the ’774 patent; claims 7, 9, and 15 of the ’812 patent; claims 6, 10, 16, and 19 of the ’836 patent; claims 3, 4, 10, and 15 of the ’379 patent; and claims 3 and 10 of the ’444 patent. Respondents did not oppose the motion. On June 26, 2023, OUII filed a response in support of Serendia’s motion.

On June 29, 2023, the presiding ALJ issued the subject ID (Order No. 16) granting Serendia’s motion to partially terminate the investigation with respect to the aforementioned claims. The ID found that there are no extraordinary circumstances that weigh against termination of the aforementioned claims from this investigation, and that public policy favors termination as a means to save public and private resources. The subject ID also found that Serendia’s unopposed motion states, in accordance with Commission Rule 210.21(a)(1) (19 CFR 210.21(a)(1)), that there are no other agreements, oral or written, express or implied, between the parties regarding the subject matter of this investigation.

No party filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID. Claims 2, 8, and 12 of the ’536 patent; claims 1, 6-12, and 15 of the ’774 patent; claims 7, 9, and 15 of the ’812 patent; claims 6, 10, 16, and 19 of the ’836 patent; claims 3, 4, 10, and 15 of the ’379 patent; and claims 3 and 10 of the ’444 patent are hereby terminated from this investigation.

The Commission vote for this determination took place on July 20, 2023.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission’s Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: July 20, 2023