

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC**

In the Matter of

**CERTAIN ELECTRIC SKIN CARE
DEVICES, BRUSHES AND CHARGERS
THEREFOR, AND KITS CONTAINING
SAME**

Investigation No. 337-TA-959

GENERAL EXCLUSION ORDER

The Commission has determined that there is a violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the unlawful importation, sale for importation, or sale within the United States after importation of certain electric skin care devices, brushes and chargers therefor, and kits containing same that infringe claims 1, 4-6, 16, 22, 31, 33, 39-41, 42, 44-46, 49 of United States Patent No. 7,320,691 (“the ’691 patent”) and claims 1-2, 4-5, and 7-15 of United States Patent No. 7,386,906 (“the ’906 patent”).

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determinations on the issues of remedy, the public interest, and bonding. The Commission has determined that a general exclusion from entry for consumption is necessary to prevent circumvention of an exclusion order limited to products of named persons and because there is a pattern of violation of section 337 and it is difficult to identify the source of infringing products. Accordingly, the Commission has determined to issue a general exclusion order prohibiting the unlicensed importation of

infringing electric skin care devices, brushes and chargers therefor, and kits containing same (“covered products”).

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(d) do not preclude issuance of the general exclusion order, and that the bond during the Presidential review period shall be in the amount of one hundred (100) percent of entered value for all covered products.

Accordingly, the Commission hereby **ORDERS** that:

1. Electric skin care devices, brushes or chargers therefor, or kits containing same that infringe one or more of claims 1, 4-6, 16, 22, 31, 33, 39-41, 42, 44-46, 49 of the '691 patent and claims 1-2, 4-5, and 7-15 of the '906 patent are excluded from entry into the United States for consumption, entry for consumption from a foreign-trade zone, and withdrawal from a warehouse for consumption, except under license from, or with the permission of, the patent owner or as provided by law.
2. Notwithstanding paragraph 1 of this Order, the aforesaid electric skin care devices, brushes or chargers therefor, or kits containing same are entitled to entry into the United States for consumption, entry for consumption from a foreign-trade zone, and withdrawal from a warehouse for consumption, under a bond in the amount of one hundred (100) percent of entered value of the products pursuant to subsection (j) of Section 337 (19 U.S.C. § 1337(j)), and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 *Fed Reg.* 43251), from the day after this Order is received by the United States Trade Representative and until such time as the United States

Trade Representative notifies the Commission that this Order is approved or disapproved but, in any event, not later than sixty (60) days after the date of receipt of this Order.

3. At the discretion of U.S. Customs and Border Protection (“CBP”) and pursuant to procedures it establishes, persons seeking to import electric skin care devices, brushes or chargers therefor, or kits containing same that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraph 1 of this Order. At its discretion, CBP may require persons who have provided the certification described in this paragraph to furnish such records or analyses as are necessary to substantiate the certification.
4. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to electric skin care devices, brushes or chargers therefor, or kits containing same that are imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.
5. The Commission may modify this Order in accordance with the procedures described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).
6. The Commission Secretary shall serve copies of this Order upon each party of record in this investigation and U.S. Customs and Border Protection.

7. Notice of this Order shall be published in the *Federal Register*.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: February 6, 2017

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PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **COMMISSION ORDER** has been served by hand upon the Commission Investigative Attorney, Sarah J. Sladic, Esq., and the following parties as indicated, on **February 7, 2017**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

**On Behalf of Complainants Pacific Bioscience Laboratories,
Inc.:**

Robert M. Masters, Esq.

FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP

801 17th St. NW

Washington, DC 20006

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Respondents:

Our Family Jewels, Inc. d/b/a Epipür Skincare

7770 E. Iliff Ave. Rm./Suite E

Denver, CO 80231

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Xnovi Electronic Co., Ltd.

Unit 6A, Block C1, Area G

Sha Jing Street, Min Zhu Industrial Estate,

Baoan District, Shenzhen City,

China

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Shanghai Anzikang Electric Co., Ltd.

168 Ji Xin Road, Building 3, Room 401

Minhang District, Shanghai,

China

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

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Certificate of Service – Page 2

Beauty Tech, Inc.
1430 S. Dixie Hwy., Ste. 321
Coral Gables, FL 33146-3175

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

ANEX Corporation
#304-705 Bucheon Techno Park
345 Seokcheon-ro, Ojeong-gu
Bucheon City, Gyenggi-do
421-741, Korea

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Korean Beauty Co., Ltd.
10 F, Pluszone Bldg. 700
Deungchon-Dong, Gangseo-Gu
Seoul, Korea

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Serious Skin Care, Inc.
112 N. Curry St.
Carson City, NV 89703-4934

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Wenzhou Ai Er Electrical Technology Co., Ltd. d/b/a CNAIER
1#, XiaSong Road, WanQuan Town
PingYang, ZheJiang
China

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Coreana Cosmetics Co., Ltd.
204-1 Jeongchon-ri, eup, Seonggeo-eup
Seobuk-gu, Cheonan-si, Chungcheongnam-do
Korea

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Flageoli Classic Limited
7310 Smoke Ranch Road
Las Vegas, NV 89128

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____