

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ARTIFICIAL EYELASH
EXTENSION SYSTEMS, PRODUCTS,
AND COMPONENTS THEREOF**

Investigation No. 337-TA-1226

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO RACHEL
GLEASON D/B/A/ AVANT GARDE BEAUTY COMPANY BASED ON A CONSENT
ORDER; ISSUANCE OF A CONSENT ORDER**

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 an initial determination (“ID”) (Order No. 28) of the presiding administrative law judge (“ALJ”) granting a joint motion to terminate respondent Rachel Gleason d/b/a/ Avant Garde Beauty Company of Dallas, Texas (“Avant Garde Beauty”) in the above-captioned investigation based on a consent order. Avant Garde Beauty is terminated from the investigation. The Commission has issued a consent order to Avant Garde Beauty.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3228. 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: On October 28, 2020, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by Lashify, Inc. of Glendale, California (“Complainant”). See 85 FR 68366-67. The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, sale for importation, or sale after importation into the United States of certain artificial eyelash extension systems, products, and components thereof by reason of infringement of U.S. Patent Nos. 10,660,388 and 10,721,984 and U.S. Design Patent Nos. D877,416 and D867,664. The complaint also alleges the existence of a domestic industry. The notice of investigation names nine respondents, including Avant

Garde Beauty. *Id.* The Office of Unfair Import Investigations is also a party to the investigation. *Id.*

On April 23, 2021, Complainant filed a motion to terminate the investigation with respect to Avant Garde Beauty based on a consent order stipulation and proposed consent order. Complainant filed the motion on behalf of itself and respondent Avant Garde Beauty because Avant Garde Beauty is not represented by counsel in this investigation. On May 4, 2021, OUII filed a response in support of the motion. No other responses were filed.

On May 6, 2021, the ALJ issued the subject ID. Order No. 28 (May 6, 2021). The subject ID finds that the motion, consent order stipulation, and proposed consent order satisfy the requirements of Commission Rules 210.21(c)(3) and (c)(4) (19 CFR 210.21(c)(3), (c)(4)). The ID also finds that termination of Avant Garde Beauty would not be contrary to the public interest.

The Commission has determined not to review the subject ID. Avant Garde Beauty is hereby terminated from the investigation. The Commission has issued a consent order to Avant Garde Beauty.

The Commission vote for this determination took place on May 20, 2021.

While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the complainant complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

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: May 20, 2021