

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, DC 20436**

**In the Matter of**

**CERTAIN DEVICES HAVING  
ELASTOMERIC GEL AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-732**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW  
INITIAL DETERMINATIONS TERMINATING INVESTIGATION AS TO EIGHT  
RESPONDENTS ON THE BASIS OF CONSENT ORDER STIPULATIONS  
AND CONSENT ORDERS; ISSUANCE OF CONSENT ORDERS**

**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 initial determinations (“IDs”) (Order Nos. 4, 6, and 8) of the presiding administrative law judge (“ALJ”) in the above-captioned investigation terminating the investigation as to eight respondents on the basis of consent order stipulations and consent orders.

**FOR FURTHER INFORMATION CONTACT:** Mark B. Rees, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone (202) 205-3116. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://edis.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 August 4, 2010, based on the complaint, as supplemented, of Interactive Life Forms, LLC of Austin, Texas (“ILF”). 75 *Fed. Reg.* 47027 (Aug. 4, 2010). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain devices having elastomeric gel and components thereof by reason of infringement of certain claims of U.S. Patent No. 5,782,818 and U.S. Patent No. 5,807,360. The

complaint names twenty six business entities as respondents, including: Vast Resources, Inc. d/b/a Topco Sales of Chatsworth, California (“Topco”) (Order No. 4); Barnaby Ltd., LLC of San Francisco, California (“Barnaby”), PHE, Inc. of Hillsborough, North Carolina (“PHE”) and Universal Distributor of Santa Clarita, California (“Universal”) (Order No. 6); Convergence Inc. of Los Angeles, California (“Convergence”), Honey’s Place, Inc. of San Fernando, California (“Honey’s”), Pipedream Products, Inc. of Chatsworth, California (“Pipedream”), and Williams Trading Co., Inc. of Pennsauken, New Jersey (“WTC”) (Order No. 8). The complaint also alleges the existence of an industry in the United States as required by subsection (a)(2) of section 337 and requests issuance of an exclusion order and cease and desist orders.

On August 13, 16, and 18, 2010, respectively, ILF moved to terminate the investigation on the basis of consent order stipulations and consent orders as to (1) Topco, (2) Barnaby, PHE, and Universal, and (3) Convergence, Honey’s, Pipedream, and WTC. The Commission investigative attorney filed a combined response in support of the motions.

The ALJ issued the subject IDs on September 16, 20, and 21, 2010, respectively, in which he finds that each consent order stipulation complies with Commission rule 210.21 and that each consent order closely parallels the corresponding stipulation. He also finds that termination of the investigation as to these respondents will not be contrary to the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or U.S. consumers’ interests, and further that the public interest favors the proposed resolution. The ALJ thus granted each motion.

No petitions for review of the subject IDs were filed. The Commission has determined not to review the subject IDs.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, and Commission rules 210.21, 210.42, 19 C.F.R. §§ 210.21, 210.42.

By order of the Commission.

/s/  
William R. Bishop  
Acting Secretary to the Commission

Issued: October 12, 2010