

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

In the Matter of

**CERTAIN KINESIOTHERAPY DEVICES
AND COMPONENTS THEREOF**

Investigation No. 337-TA-823

**NOTICE OF COMMISSION DETERMINATIONS NOT TO REVIEW THREE INITIAL
DETERMINATIONS TERMINATING THE INVESTIGATION
AS TO THREE RESPONDENTS BASED ON 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 the initial determinations (“IDS”) (Order Nos. 31, 32, and 33) of the presiding administrative law judge (“ALJ”) granting complainants’ motions to terminate the above-captioned investigation as to Respondents Love Boutique-Vista, LLC d/b/a Deja Vu Love Boutique and d/b/a dejavuloveboutiquevista.com (“Deja Vu”); Peekay, Inc. (“Peekay”); and Shamrock 51 Management Company, Inc. (“Shamrock”) based on consent orders stipulations. The Commission has entered a consent order with respect to each respondent.

FOR FURTHER INFORMATION CONTACT: Michael K. Haldenstein, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3041. 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, S.W., Washington, D.C. 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 January 10, 2012, based on a complaint filed by Standard Innovation Corporation of Ottawa, ON, Canada and Standard Innovation (US) Corp. of Wilmington, Delaware (collectively, “Standard Innovation”). 77 *Fed. Reg.* 1504 (Jan. 10, 2012). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain kinesiotherapy devices and components thereof by reason of infringement of various claims of United States Patent Nos. 7,931,605 and D605,779 (“the ‘779 patent”). The complaint named twenty-one business entities as respondents, several of which have since been terminated from the investigation based upon consent orders. The Commission also determined not to review an ID terminating the investigation with respect to the ‘779 patent.

On June 29, 2012, Standard Innovation and Deja Vu filed a motion pursuant to Commission Rule 210.21(c)(1)(ii) to terminate the investigation as to Deja Vu based upon the entry of a consent order. Also on June 29, 2012, Standard Innovation filed a motion pursuant to Commission Rule 210.21(c)(1)(ii) to terminate the investigation as to Peekay based upon the entry of a consent order. On July 12, 2012, Standard Innovation and Shamrock filed a joint motion pursuant to Commission Rule 210.21(c)(1)(ii) to terminate the investigation as to Shamrock based upon the entry of a consent order. The three motions included proposed consent orders and consent order stipulations.

The Commission investigative attorney supported the motions. Several other respondents opposed the three motions because the proposed consent orders included the ‘779 patent, yet the ALJ had issued an ID granting complainants’ motion to withdraw the ‘779 patent from the investigation. They also contended that the consent orders will have a detrimental effect on the U.S. economy with respect to the accused products and will have a negative impact on consumers.

On July 26, 2012, the ALJ issued the three subject IDs granting the motions pursuant to section 210.21(c)(3) of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.21(c)(3)). The ALJ found termination of the investigation as to Deja Vu, Peekay, and Shamrock would not impose any undue burden on the public interest. No petitions for review were filed. The Commission has determined not to review the IDs.

On July 25, 2012, the Commission determined not to review the ID (Order No. 25) granting complainants’ motion to withdraw the ‘779 patent from the investigation. The Commission has revised the consent orders to remove the references to the ‘779 patent.

The authority for the Commission's determinations is contained in Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

Lisa R. Barton
Acting Secretary to the Commission

Issued: August 20, 2012