

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

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

Investigation No. 337-TA-959

**NOTICE OF COMMISSION DETERMINATIONS NOT TO REVIEW ALJ ORDER
NOS. 30 AND 31; 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. 30 and 31) of the presiding administrative law judge (“ALJ”) terminating the investigation as to (1) respondents Home Skinovations Inc. and Home Skinovations Ltd. (collectively, “Home Skinovations”) and (2) respondent Accord Media LLC d/b/a Truth in Aging (“Accord Media”), each termination based on a separately executed consent order stipulation. The Commission has issued the subject consent orders.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3115. 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 under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), on June 25, 2015, based on a complaint filed by Pacific Bioscience Laboratories, Inc. of Redmond, Washington (“PBL”). 80 *Fed. Reg.* 36576-77 (Jun. 25, 2015). The amended complaint, as supplemented, alleges a violation of Section 337 by reason of infringement of certain claims of U.S. Patent Nos. 7,320,691 and 7,386,906, and U.S. Design Patent No. D523,809 by numerous respondents. The amended complaint further alleges violations of Section 337 based upon the

importation into the United States, or in the sale of certain electric skin care devices, brushes and chargers therefor, and kits containing the same, by reason of trade dress infringement, the threat or effect of which is to destroy or substantially injure an industry in the United States. *Id.* The Commission's Office of Unfair Import Investigations was also named as a party.

On November 24, 2015, complainant PBL and respondents Home Skinovations jointly moved for reconsideration of ALJ Order No. 26 dated November 10, 2015. On November 30, 2015, the ALJ issued an ID (Order No. 30) granting the joint motion and terminating the investigation as to Home Skinovations based on consent order upon reconsideration of Order No. 26.

The ALJ found that the consent order stipulation and consent order submitted by PBL and Home Skinovations comply with the applicable Commission rules. Order No. 30 at 2-5 (citations omitted). The ALJ stated that she does not find any public interest concerns that would weigh against termination based on the proposed consent order submitted by PBL and Home Skinovations.

Furthermore, on November 13, 2015, complainant PBL and respondent Accord Media jointly moved to terminate the investigation as to Accord Media based on a consent order stipulation. A corrected consent order stipulation was filed on November 24, 2015. On November 30, 2015, the ALJ issued an ID (Order No. 31) granting the joint motion and terminating the investigation as to Accord Media based on consent order.

The ALJ found that the corrected consent order stipulation and consent order submitted by PBL and Accord Media comply with the applicable Commission rules. Order No. 31 at 2-4 (citations omitted). The ALJ stated that she does not find any public interest concerns that would weigh against termination based on the proposed consent order submitted by PBL and Accord Media.

No party petitioned for review of Order Nos. 30 and 31, and the Commission has determined not to review them. The Commission has also determined to issue the subject consent orders.

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 Part 210 of the Commission's Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: December 23, 2015