INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1356 (Remand)]

Certain Dermatological Treatment Devices and Components Thereof; Notice of Commission Determination Not to Review an Initial Determination Terminating the Remand Proceedings Based on Settlement; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined not to review an initial determination ("ID") (Order No. 71) of the presiding administrative law judge ("ALJ"), granting an unopposed motion to terminate the remand proceedings. The investigation is terminated in its entirety.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3042. 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: The Commission instituted this investigation on April 6, 2023, based on a complaint filed by Serendia, LLC of Lake Forest, California ("Serendia"). 88 FR 20551-52 (Apr. 6, 2023). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain dermatological treatment devices and components thereof by reason

of infringement of certain claims of U.S. Patent No. 9,480,836 ("the '836 patent"); U.S. Patent No. 9,320,536 ("the '536 patent"); U.S. Patent No. 9,775,774 ("the '774 patent"); U.S. Patent No. 10,869,812 ("the '812 patent"); and U.S. Patent No. 11,406,444 ("the '444 patent"). *Id.* at 20551. The complaint further alleged that a domestic industry exists. *Id.* The Commission's notice of investigation named as respondents Sung Hwan E&B Co., LTD. d/b/a SHEnB Co. LTD of Seoul, Republic of Korea; Aesthetics Biomedical, Inc. of Phoenix, Arizona; Cartessa Aesthetics, LLC of Melville, New York; Lutronic Corporation of Goyang-si, Republic of Korea; Lutronic Aesthetics, Inc., also known as Lutronic, Inc. of Billerica, Massachusetts; Lutronic, LLC of Billerica, Massachusetts; Ilooda, Co., Ltd. of Anyang-si, Republic of Korea; Cutera, Inc. of Brisbane, California; Rohrer Aesthetics, LLC of Homewood, Alabama; Rohrer Aesthetics, Inc. of Homewood, Alabama; Jeisys Medical Inc. of Seoul, Republic of Korea; Cynosure, LLC of Westford, Massachusetts; and EndyMed Medical Ltd. of Caesarea, Israel; EndyMed Medical, Ltd. of New York, New York; and EndyMed Medical, Inc. of Freehold, New Jersey (together, "EndyMed"). *Id.* at 20552. The Office of Unfair Import Investigations ("OUII") is also participating in the investigation. *Id*.

The Commission subsequently terminated the investigation as to all respondents except for EndyMed. *See* Order No. 26 (Sept. 18, 2023), *unreviewed by* Comm'n Notice (Oct. 16, 2023); Order No. 38 (Oct. 27, 2023), *unreviewed by* Comm'n Notice (Nov. 20, 2023); Order No. 45 (Nov. 15, 2023), *unreviewed by* Comm'n Notice (Dec. 15, 2023); Order No. 47 (Nov. 20, 2023), *unreviewed by* Comm'n Notice (Dec. 15, 2023); Order No. 53 (Apr. 11, 2024), *unreviewed by* Comm'n Notice (May 8, 2024); Order No. 51 (Dec. 13, 2023), *unreviewed by* Comm'n Notice (Jan. 10, 2024); Order No. 64 (Dec.18, 2024), *unreviewed by* Comm'n Notice (Jan. 17, 2025).

The ALJ held a *Markman* hearing on July 13, 2023, and issued a *Markman* Order on October 25, 2023, construing certain disputed claim terms. Order No. 35 (Oct. 25, 2023). The ALJ found the pending claims of the '444 patent, claims 4, 6, and 7, indefinite in the *Markman*

Order and did not consider those claims any further in the Investigation. *Markman* (Order No. 35) at 62.

On December 19, 2024, the ALJ issued the final ID finding a violation of section 337 as to claims 1, 9, and 22 of the '836 patent; claims 11 and 16 of the '536 patent; claim 14 of the '774 patent; and claims 5, 13, and 18 of the '812 patent by EndyMed. On February 28, 2025, the Commission determined to review the final ID in part, including the ID's finding that the asserted claims of the '444 patent are invalid for indefiniteness. 90 FR 11433-36 (Mar. 6, 2023).

On June 3, 2025, the Commission determined that EndyMed violated section 337 by reason of importation and sale of articles that infringe asserted claims 1, 9, and 22 of the '836 patent; claims 11 and 16 of the '536 patent; claim 14 of the '774 patent; and claims 5, 13, and 18 of the '812 patent. 90 FR 24292-94 (June 9, 2025). For remedy, the Commission issued a limited exclusion order prohibiting further importation of infringing products and cease and desist orders against EndyMed. *Id*. at 24294.

As to the '444 patent, the Commission determined to reverse and remand the ID's indefiniteness finding for further proceedings consistent with the Commission's opinion and remand order. *Id.*

On July 1, 2025, Serendia and EndyMed filed a joint motion to terminate the remand proceedings based upon settlement. On July 8, 2025, OUII filed a response in support of the motion.

On July 9, 2025, the ALJ issued the subject ID (Order No. 71) granting the motion. The ID noted that "under Commission Rule 210.21(a)(2), any party may move at any time to terminate an investigation in-whole or in-part with respect to any or all respondents on the basis of a settlement, a license, or other agreement as provided in Commission Rule 210.21(b)." ID at 1-2 (citing 19 CFR 210.21(a)(2)). The ID further noted that pursuant to Commission Rule 210.21(b), termination of an investigation with respect to one or more respondents on the basis of a license or other settlement agreement requires the motion to contain: (i) the license

agreement or other settlement agreements; (ii) any supplemental agreements; (iii) any documents referenced in the motion or attached agreements; and (iv) a statement that there are no other agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation. *Id.* at 2 (citing 19 CFR 210.21(b)). The ID granted the unopposed motion, finding that it complies with the Commission Rules. *Id.* at 3-5. None of the parties petitioned for review of the subject ID.

The Commission has determined not to review the subject ID. The remand proceedings are hereby terminated. The Commission hereby terminates the investigation in its entirety.

The Commission vote for this determination took place on July 30, 2025.

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.

Issued: July 30, 2025.

Lisa Barton,

Secretary to the Commission.

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