



INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1444]

Certain Nasal Devices and Components Thereof; Notice of a Commission Determination to Reconsider an Earlier Decision; Issue a Limited Exclusion Order and Cease and Desist Orders; 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 to reconsider in part its prior affirmance of an initial determination (“ID”) (Order No. 27) of the presiding administrative law judge (“ALJ”). The Commission has also determined to issue: (1) a limited exclusion order (“LEO”) barring entry of certain nasal devices and components thereof by or on behalf of the defaulting respondents; and (2) cease and desist orders (“CDOs”) against each of the defaulting respondents. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3427. 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 March 26, 2025, based on a complaint filed by Aardvark Medical Inc. of Denton, Texas. 90 FR 13781-82 (Mar. 26, 2025). The complaint, as later amended and supplemented, alleges

violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain nasal devices and components thereof by reason of infringement of claims 1-5, 7-14, and 16-19 of U.S. Patent No. 9,750,856 (“the ’856 patent”); claims 1-4, 6, 8-12, 14-17, 21-24, 27, and 28 of U.S. Patent No. 11,318,234 (“the ’234 patent”); claims 1-3, 6-8, 10-12, 16-18, 21-22, and 28 of U.S. Patent No. 11,883,009 (“the ’009 patent”); claims 1-7, 10-14, and 17-21 of U.S. Patent No. 11,883,010 (“the ’010 patent”); and claims 13-21 and 26 of U.S. Patent No. 11,889,995 (“the ’995 patent”) (collectively, the “Asserted Patents”). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission’s notice of investigation named as respondents: (1) Xiamenximier Electronic Commerce Co., Ltd (d/b/a Cenny) of Fujian, China (“Cenny”); (2) Xia Men Deng Jia E-Commerce Co., Ltd. (d/b/a Ronfnea) of Fujian, China (“Ronfnea”); (3) Chongqing Moffy Innovation Technology Co., Ltd. of Chongqing City, China (“Moffy”); (4) Guangdong XINRUNTAO Technology Co., Ltd. of Shenzhen, China (“Xinruntao”); and (5) Shenzhen Jun&Liang Media Tech Limited of Shenzhen, China (“Jun&Liang,” and together with the aforementioned respondents, “Defaulting Respondents”), as well as RhinoSystems of Brooklyn, Ohio; and Spa Sciences LP of Port St. Lucie, Florida. *Id.* The Office of Unfair Import Investigations is not participating in the investigation. *Id.*

On June 17, 2025, the Commission determined not to review an initial determination (“ID”) (Order No. 9) granting Complainant’s motion for leave to amend the Complaint and Notice of Investigation to substitute and correct the appropriate entity from named respondent “Spa Sciences LP” to “Michael Todd Beauty LP d/b/a Spa Sciences.” Order No. 9 (May 22, 2025), *unreviewed by* Comm’n Notice (June 17, 2025).

The following respondents have been terminated from the investigation: RhinoSystems and Michael Todd Beauty LP d/b/a Spa Sciences. Order No. 14 (July 14, 2025), *unreviewed by* Comm’n Notice (Aug. 6, 2025); Order No. 28 (Dec. 4, 2025), *unreviewed by* Comm’n Notice

(Dec. 22, 2025).

The Commission previously found Defaulting Respondents to be in default. Order No. 27 (Sept. 22, 2025), *reviewed in part and aff'd* by Comm'n Notice (Dec. 4, 2025) (affirming the ALJ's finding of Cenny, Ronfnea, Moffy, and Jun&Liang in default under Commission Rule 210.16(a)(1) (19 CFR 210.16(a)(1)) for failing to respond to the complaint and notice of investigation; and modifying the ALJ's finding that Xinruntao was in default under Commission Rule 210.16(a)(1) with a finding that Xinruntao was in default under Commission Rule 210.16(a)(2) (19 CFR 210.16(a)(2)) for failing to cooperate with discovery).

The Commission hereby reconsiders its decision affirming Order No. 27 as to Xinruntao. *See* Commission Rule 210.47 (19 CFR 210.47). Xinruntao's answer to the complaint and notice of investigation was untimely, and Xinruntao failed to show cause justifying its late response (*see* Order No. 2 (Mar. 24, 2025) (ALJ's Ground Rules)) or otherwise respond to the ALJ's order instructing it to show good cause why it should not be found in default (*see* Order No. 25 (Sept. 8, 2025)). In reconsideration, the Commission now finds Xinruntao to be in default under Commission Rule 210.16(a)(1). An unexcused, untimely response to the complaint and notice of investigation is insufficient to avoid a finding of default under the Commission Rule 210.16(a)(1), and accordingly, a finding of default under that rule is appropriate. In sum, all remaining respondents have been found in default under Commission Rule 210.16(a)(1).

On January 15, 2026, the Commission issued a notice asking the parties to the investigation, interested government agencies, and any other interested parties to file written submissions on the issues of remedy, the public interest, and bonding. 91 Fed. Reg. 2367 (Jan. 20, 2026) ("the Remedy Notice").

On January 29, 2026, Complainant filed a submission to the Remedy Notice. No other responses were received.

When the conditions in section 337(g)(1)(A)-(E) (19 U.S.C. 1337(g)(1)(A)-(E)) have been satisfied, section 337(g)(1) and Commission Rule 210.16(c) (19 CFR 210.16(c)) direct the

Commission, upon request, to issue a limited exclusion order or a cease and desist order or both against a respondent found in default, based on the allegations regarding a violation of section 337 in the complaint, which are presumed to be true, unless after consideration of the public interest factors in section 337(g)(1), it finds that such relief should not issue.

Having examined the record of this investigation, including Complainant's submission in response to the Remedy Notice, the Commission has determined, pursuant to section 337(g)(1) (19 U.S.C. 1337(g)(1)), that the appropriate remedy in this investigation is: (1) an LEO prohibiting the unlicensed entry of certain nasal devices and components thereof by reason of infringement of certain claims of claims 1-5, 7-14, and 16-19 of the '856 patent; claims 1-4, 6, 8-12, 14-17, 21-24, 27, and 28 of the '234 patent; claims 1-3, 6-8, 10-12, 16-18, 21-22, and 28 of the '009 patent; claims 1-7, 10-14, and 17-21 of the '010 patent; and claims 13-21 and 26 of the '995 patent by Defaulting Respondents and (2) CDOs directed to Defaulting Respondents. The Commission has determined that the public interest factors enumerated in subsection 337(g)(1) do not preclude the issuance of the LEO and CDOs. The Commission has further determined that the bond during the period of Presidential review pursuant to section 337(j) (19 U.S.C. 1337(j)) shall be in the amount of one hundred percent (100%) of the entered value of the imported articles that are subject to the LEO.

The investigation is hereby terminated.

The Commission vote for this determination took place on March 9, 2026.

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: March 9, 2026.

Lisa Barton,

Secretary to the Commission.

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