



INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1408]

Certain Hydrodermabrasion Systems and Components Thereof; Notice of the Commission's Final Determination Finding a Violation of Section 337: Issuance and Suspension of Limited Exclusion Order and Cease and Desist Order; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined that that a violation under of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337) has occurred. The Commission has determined that the appropriate remedy is to issue a limited exclusion order and a cease and desist order and set the bond at zero percent (0%) of the entered value of the covered products during the period of Presidential review. However, the Commission has determined to suspend the issuance of the remedial orders in this investigation given the impending expiration of the asserted patent mere days into the period of Presidential review and the bond having been set at zero percent (0%). The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Jonathan D. Link, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3103. 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: On July 17, 2024, the Commission instituted this investigation based on a complaint filed on behalf of HydraFacial LLC, f/k/a Edge Systems LLC, of Long Beach, California (“HydraFacial”). 89 FR 58188-89 (July 17, 2024). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on the importation into the United States, the sale for importation, or sale within the United States after importation of certain hydrodermabrasion systems and components thereof by reason of the infringement of certain claims of the ’287 patent. *Id.* The complaint further alleges that an industry in the United States exists as required by section 337. *Id.* The Commission’s notice of investigation named as respondents Cartessa Aesthetics, LLC (“Cartessa”) of Melville, New York; and Eunsung Global Corp. of Republic of Korea. *Id.* The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On August 14, 2025, the Commission determined not to review an initial determination (Order No. 3) setting the target date for completion of the investigation as December 17, 2025. *See* Order No. 3 (July 29, 2024), *unreviewed by* Comm’n Notice (Aug. 14, 2024).

On January 21, 2025, the Commission terminated the investigation as to Eunsung based on a consent order. Order No. 19 (Dec. 19, 2024), *unreviewed by* Comm’n Notice (Jan. 21, 2025).

On April 11, 2025, the Commission determined not to review an initial determination (Order No. 34) granting Complainant’s unopposed motion to terminate the investigation as to claims 1-10, 15, 17, 20, 23, 26, 28-31, 33-37, and 39-45 of the ’287 patent. *See* Order No. 34 (Mar. 26, 2025), *unreviewed by* Comm’n Notice (Apr. 11, 2025).

On August 26, 2025, the ALJ issued a final initial determination (“FID”) finding a violation of section 337 by respondent Cartessa. On September 8, 2025, Cartessa filed a petition for review of the FID and on September 16, 2025, HydraFacial filed its response.

On December 15, 2025, the Commission determined, in view of the shutdown of the Federal Government, to extend the date for determining whether to review the FID to January

22, 2026. *See* Comm’n Notice (Dec. 15, 2025). In that notice, the Commission also asked the parties to address the impact, if any, the upcoming expiration of the ’287 patent would have on the investigation.

On January 22, 2026, the Commission determined to review the FID’s findings on (1) the construction, and findings on infringement and the technical prong of the domestic industry, for the claim limitations including the term “fluid communication”; (2) invalidity and non-infringement findings based on the finding that the term “block” is indefinite, including review of any underlying related orders (*e.g.*, Order Nos. 29 and 50); and (3) unenforceability based on prosecution laches. 91 FR 3540 (Jan. 27, 2026). The Commission sought briefing on remedy, the public interest, and bonding. *Id.* The Commission also determined to extend the target date for completion of the investigation to March 23, 2026. *Id.*

On January 28, 2026, Cartessa filed a motion to terminate the present investigation and vacate the FID on Violation of Section 337 (“Motion to Terminate”) based on the impending expiration of the ’287 patent. On February 9, 2026, HydraFacial filed its opposition to the Motion to Terminate.

On February 5, 2026, HydraFacial and Cartessa submitted their initial submissions on remedy, bonding and the public interest. On February 12, 2026, HydraFacial and Cartessa submitted responses to the other’s initial submission. The Commission also received public interest comments from interested third parties Sinclair Pharma Limited, Sinclair Pharma US, Viora, Inc., EMA Aesthetics, Ltd., Aesthetic Management Partners, LLC, and Aesthetic Management Partners, Inc.

Having considered the parties’ submissions, the FID, and the record in this investigation, the Commission, on review, has determined to supplement and affirm the FID’s finding that Cartessa has violated section 337 by importing into the United States and selling in the United States after importation certain hydrodermabrasion systems and components thereof that infringe claims 11, 12, 14, 16, 18, 19, 22, 24, and 25 of the ’287 patent. Specifically, the Commission (1)

affirms and supplement the FID's the construction, and findings on infringement and the technical prong of the domestic industry, for the claim limitations including the term "fluid communication;" (2) vacates the FID's finding that the term "block" is indefinite and finds that Complainant has waived its allegations as to where claim 32 is infringed; (3) and supplements and affirms the FID's finding that the '287 patent is not unenforceable based on prosecution laches. Accordingly, and in conjunction with the Commission's earlier determination not to review the FID's validity and economic domestic industry findings for the '287 patent, the Commission's final determination in this investigation is that Cartessa violated section 337 with respect to '287 patent.

The Commission has determined that the appropriate remedy is a limited exclusion order against Respondent Cartessa prohibiting entry of products that infringe one or more of the asserted claims of the '287 patent, and a cease and desist order. The Commission has further determined that the public interest factors enumerated in subsections (d)(1) (19 U.S.C. 1337(d)(1)) do not preclude issuance of the above referenced remedial orders. Additionally, the Commission has determined that the appropriate bond in this investigation would be set at zero percent (0%) of entered value of the covered products during the period of Presidential review. 19 U.S.C. 1337(j). The Commission, however, has determined to suspend enforcement of the orders. The '287 patent will expire on March 29, 2026, only six days after the remedial orders issue and before the conclusion of the Presidential review period when such orders would be enforced. Because of the Commission determination that bond for this investigation be set at zero percent (0%) during the period of Presidential review and the impending expiration of the '287 patent during the period of Presidential review, the Commission's orders will not have any future remedial effect.

The Commission has further determined that Cartessa's Motion to Terminate is denied as untimely. 19 CFR § 210.21(a)(1). The investigation is terminated.

The Commission's orders and opinion were delivered to the President and United States Trade Representative on the day of their issuance.

The Commission vote for this determination took place on March 23, 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 23, 2026.

Lisa Barton,

Secretary to the Commission.

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