

bonding. The IA filed a timely petition for review-in-part of the ID. No other party petitioned for review of the ID. Complainant PBL filed a response in support of the IA's petition. No other responses were filed.

On May 26, 2016, the Commission determined to review the ID in part, and issued a "Notice Of A Commission Determination To Review In Part An Initial Determination Granting Complainant's Motion For Summary Determination Of Violation Of Section 337; Request For Written Submissions On Remedy, The Public Interest, And Bonding" ("the Commission Notice"), in which the Commission specified the issues under review. See 81 FR 35377-79 (Jun. 2, 2016). In particular, the Commission determined "to review the ID's findings on the economic prong of the domestic industry requirement as to the patent-based allegations, all issues related to violation of the asserted trade dress, and to correct certain minor typographical errors." Commission Notice at 2. The Commission did not request any submissions on the issues under review.

The Commission requested written submissions on remedy, public interest, and bonding. *Id.* at 3. PBL and the IA timely filed their submissions pursuant to the Commission Notice. Settled respondents Michael Todd LP and MTTO LLC also filed a Written Submission on the Issue of Remedy and a Reply to PBL's Written Submission. No other submissions were received in response to the Commission Notice.

Having examined the record in this investigation, the Commission has determined as follows:

(I) With respect to the ID's findings on the economic prong of the domestic industry requirement as to the patent-based allegations:

(A) To vacate the subsection labeled "Significant Investment." on pages 21-22 of the ID.

(B) To take no position on, and therefore vacate, the ID's analysis and findings pertaining to the ID's determination that the "non-manufacturing expenditures would need to be backed out of the calculation of qualifying investments under subsections (A) as well as (B)." ID/RD at 25.

(C) To affirm the ID's finding that PBL satisfied the economic prong requirement under subsections 337(a)(3)(A) and (B).

(D) To take no position on, and therefore vacate, the ID's analysis and findings regarding whether PBL satisfied the economic prong requirement under subsection (C) of section 337(a)(3). See *Beloit Corporation*

v. *Valmet Oy*, 742 F.2d 1421, 1423 (Fed. Cir.1984) ("*Beloit*").

(II) With respect to all of the ID's findings pertaining to the alleged violation of PBL's asserted trade dress, the Commission takes no position. See *Beloit*, 742 F.2d at 1423. The Commission finds that the respondents accused of infringing the trade dress are in default under section 337(g)(1).

(III) The Commission has corrected two typographical errors by substituting "Mot. Ex. 35 (Fabien Decl.) ¶¶ 31, 35" for "*Id.* ¶¶ 31,35" in the last paragraph on page 38 of the ID, and "Mot. Ex. 35 (Fabien Decl.) ¶¶ 31, 35" for "*Id.* ¶¶ 31, 35" in the last paragraph on page 31 of the ID.

Having reviewed the submissions on remedy, the public interest and bonding filed in response to the Commission's Notice, and the evidentiary record, the Commission has determined that the appropriate form of relief in this investigation is: (a) A GEO prohibiting the unlicensed importation of certain electric skin care devices, brushes or chargers therefor, or kits containing same that infringe one or more of claims 1, 4-6, 16, 22, 31, 33, 39-41, 42, 44-46, 49 of the '691 patent and claims 1-2, 4-5, and 7-15 of the '906 patent; (b) an LEO prohibiting the unlicensed entry of (i) infringing electric skin care devices, brushes or chargers therefor, or kits containing same that are covered by the claim of the D'809 patent and that are manufactured abroad by or on behalf of, or imported by or on behalf of respondents Beauty Tech; Flageoli; Our Family Jewels; Serious Skin Care; and Anzikang, and (ii) electric skin care devices, brushes or chargers therefor, or kits containing same that are covered by one or more of the Clarisonic Device Trade Dress or Clarisonic Charging Station Trade Dress and that are manufactured abroad by or on behalf of, or imported by or on behalf of respondents Our Family Jewels or Anzikang; and (c) cease and desist orders directed against each domestic and foreign Defaulting Respondent.

Chairman Schmittlein and Commissioner Kieff each write separately to explain their views as to the basis for issuing the cease and desist orders.

The Commission has further determined that the public interest factors enumerated in subsections (d)(l), (f)(1), and (g)(1) (19 U.S.C. 1337(d)(l), (f)(1), (g)(1)) do not preclude issuance of the above-referenced remedial orders.

Additionally, the Commission has determined that a bond in the amount of one hundred (100) percent of the entered value is required to permit temporary importation of the articles in

question during the period of Presidential review (19 U.S.C. 1337(j)). The investigation is terminated.

The Commission's orders, opinion, and the record upon which it based its determination were delivered to the President and to the United States Trade Representative on the day of their issuance. The Commission has also notified the Secretary of the Treasury of the orders.

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: February 6, 2017.

Lisa R. Barton,

Secretary to the Commission.

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INTERNATIONAL TRADE COMMISSION

[USITC SE-17-005]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: February 15, 2017 at 10:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205-2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None
2. Minutes
3. Ratification List
4. Vote in Inv. Nos. 701-TA-555 and 731-TA-1310 (Final) (Certain Amorphous Silica Fabric from China). The Commission is currently scheduled to complete and file its determinations and views of the Commission by March 10, 2017.
5. Outstanding action jackets: None

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: February 8, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017-02882 Filed 2-8-17; 4:15 pm]

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