UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of **CERTAIN HYDRODERMABRASION SYSTEMS AND COMPONENTS THEREOF**	**Investigation No. 337-TA-1408**

CONSENT ORDER

The United States International Trade Commission ("Commission") instituted the above-captioned investigation ("Investigation") based on the allegations contained in the Complaint filed by Complainant HydraFacial LLC f/k/a Edge Systems ("HydraFacial") on June 11, 2024. *See* 89 Fed. Reg. 58188 (July 17, 2024). The Complaint alleges a violation of Section 337 of the Tariff Act of 1930, as amended, based upon the importation into the United States, sales for importation, and/or sale within the United States after importation of certain hydrodermabrasion systems and components thereof that infringe one or more claims of U.S. Patent No. 11,865,287 (the "'287 patent"). *See id*. The Complaint names two proposed Respondents, including Eunsung Global Corp. ("Eunsung"). *See id*. The Commission instituted the Investigation on July 17, 2024. *See id.*

NOW, THEREFORE, the Commission issues the following Consent Order:

1. Pursuant to 19 C.F.R. § 210.21(c)(4)(i), the Complainant in this Investigation is HydraFacial. HydraFacial is a United States company organized and existing under the law of Delaware, having its principal place of business at 2165 E. Spring St. Long Beach, California 90806.

2. Pursuant to 19 C.F.R. § 210.21(c)(4)(i), the Respondent covered by this Consent Order is Eunsung. Eunsung is a corporation organized under the laws of the

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Republic of Korea with a principal place of business at 120, Gieopdosi-ro, Jijeong-myeon, Wonju-si, Gangwon-Do, Republic of Korea 26354.

3. Pursuant to 19 C.F.R. § 210.21(c)(4)(i), the Asserted Patent Claims are claims 1, 2-10, 11, 12, 14-20, 22, 23-25, 26, 28-36, 37, and 39-45 of the ’287 patent (collectively, “the Asserted Patent Claims”).

4. Pursuant to 19 C.F.R. § 210.21(c)(4)(i), HydraFacial’s Complaint alleges that Eunsung imports into the United States, sells for importation, and/or sells within the United States after importation certain hydrodermabrasion systems and components thereof that infringe the Asserted Patent Claims.

5. Pursuant to 19 C.F.R. § 210.21(c)(4)(i), the subject articles in this Investigation are systems for treating the skin of an individual through mechanical and/or fluid-based abrasion or exfoliation that include at least two treatment containers and components thereof that have been imported into the United States, sold for importation, and/or sold within the United States after importation (collectively, the “Subject Articles”). For avoidance of doubt, and without any admission or determination that any of the following products infringe one or more of the Asserted Patent Claims, the Subject Articles include but are not limited to Hydra Touch H2, Hydracare H2, Skinwave, Bela MD, Bela MD+, Hydra Beauty, Hydra Beauty 2, Aqua Clean, and Aqua Clean Mini.

6. Pursuant to 19 C.F.R. § 210.21(c)(4)(ii), Eunsung has executed a Consent Order Stipulation.

7. Pursuant to 19 C.F.R. § 210.21(c)(4)(iii), Eunsung shall not sell for importation, import, or sell after importation the Subject Articles, directly or indirectly, and

shall not aid, abet, encourage, participate in, or induce the sale for importation, the importation, or the sale after importation except under consent or license from HydraFacial, or as necessary to provide warranty repair and/or replacement parts or products for a product sold by Eunsung prior to the date of this Consent Order.

8. Pursuant to 19 C.F.R. § 210.21(c)(4)(iv), Eunsung shall export or destroy any existing inventories of the Subject Articles in the United States within 30 days of its execution of the Consent Order Stipulation.

9. Pursuant to 19 C.F.R. § 210.21(c)(4)(v), Eunsung shall cease and desist from importing and/or distributing the Subject Articles into and/or in the United States.

10. Pursuant to 19 C.F.R. § 210.21(c)(4)(vi), Eunsung shall be precluded from seeking judicial review or otherwise challenging or contesting the validity of the Consent Order.

11. Pursuant to 19 C.F.R. § 210.21(c)(4)(vii), Eunsung shall cooperate with and shall not seek to impede by litigation or other means the Commission's efforts to gather information under Subpart I of 19 C.F.R. Part 210.

12. Pursuant to 19 C.F.R. § 210.21(c)(4)(viii), Eunsung and its officers, directors, employees, agents, and any entity or individual acting on its behalf and with its authority shall not seek to challenge the validity or enforceability of any of the Asserted Patent Claims in any administrative or judicial proceeding to enforce the Consent Order. Nothing in this Consent Order prevents Eunsung, its officers, directors, employees, agents, or any entity or individual acting on its behalf and with its authority from challenging the validity or enforceability of any of the Asserted Patent Claims outside of a proceeding to enforce the Consent Order

(e.g., in U.S. district court or the Patent Office).

13. Pursuant to 19 C.F.R. § 210.21(c)(4)(ix), when the Asserted Patent expires, the Consent Order will become null and void.

14. Pursuant to 19 C.F.R. § 210.21(c)(4)(x), if any of the Asserted Patent Claims are held invalid or unenforceable by a court or agency of competent jurisdiction, or if any of the Subject Articles have been found or adjudicated not to infringe any of the Asserted Patent Claims in a final decision, no longer subject to appeal, this Consent Order shall become null and void as to such invalid or unenforceable Asserted Patent Claim(s) or such adjudicated Subject Article(s).

15. Pursuant to 19 C.F.R. § 210.21(c)(4)(xi), for purposes of this Consent Order only, Eunsung acknowledges that the Commission has statutory authority to hear the Investigation, and Eunsung admits all jurisdictional facts pertinent to the Investigation.

16. Pursuant to 19 C.F.R. § 210.21(c)(4)(xii), this Investigation is hereby terminated with respect to Eunsung; provided, however, that enforcement, modification, or revocation of the Consent Order shall be carried out pursuant to Subpart I of 19 C.F.R. Part 210.

By order of the commission.

Lisa R. Barton
Secretary to the Commission

Issued: January 21, 2025