

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C. 20436**

**In the Matter of**

**CERTAIN KINESIOTHERAPY DEVICES  
AND COMPONENTS THEREOF**

**Investigation No. 337-TA-823**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING A JOINT MOTION TO TERMINATE THE  
INVESTIGATION AS TO RESPONDENT MILE INC. BASED UPON AN AMENDED  
CONSENT ORDER STIPULATION; ISSUANCE OF A CONSENT ORDER.**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 19) granting a joint motion to terminate respondent Mile Inc. d/b/a Lion's Den Adult from the investigation based upon entry of a consent order.

**FOR FURTHER INFORMATION CONTACT:** Mark B. Rees, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3116. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.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 January 10, 2012, based on a complaint filed by Standard Innovation Corporation of Ottawa, ON, Canada and Standard Innovation (US) Corp. of Wilmington, Delaware (collectively, "Standard Innovation"). 77 Fed. Reg. 1504 (Jan. 10, 2012). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain kinesiotherapy devices and components thereof by reason of infringement of various claims of United States Patent Nos. 7,931,605 and D605,779. The notice of investigation named a number of respondents, including Mile Inc. d/b/a Lion's Den Adult of Bellevue, Washington ("Mile Inc.").

On February 29, 2012, Standard Innovation and Mile Inc. filed a joint motion to terminate Mile Inc. from the investigation based upon the entry of an amended consent order stipulation. On March 12, 2012, a group of respondents filed a response opposing the motion. The Commission investigative attorney filed a response in support of the motion.

On April 6, 2012, the ALJ issued the subject ID granting the joint motion to terminate Mile Inc. from the investigation. The ALJ found that the consent order stipulation complies with the requirements of Commission Rule 210.21(c)(3) (19 C.F.R. § 210.21(c)(3)) and that terminating Mile Inc. from the investigation would not be contrary to the public interest. None of the parties petitioned for review of the ID.

The Commission has determined not to review the ID and to issue a consent order. Accordingly, this investigation is terminated with respect to Mile Inc.

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 section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

/s/  
Lisa R. Barton  
Acting Secretary to the Commission

Issued: May 8, 2012

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C. 20436**

**In the Matter of**

**CERTAIN KINESIOTHERAPY  
DEVICES AND COMPONENTS  
THEREOF**

**Investigation No. 337-TA-823**

**CONSENT ORDER**

The United States International Trade Commission (“Commission”) has instituted this investigation under Section 337 of the Tariff Act of 1930 as amended (19 U.S.C. § 1337), based upon the allegations contained in the Complaint filed by Standard Innovation (US) Corp. and Complainant Standard Innovation Corporation (jointly “Standard Innovation”), which alleges unfair acts in the sale for importation, the unlawful importation into the United States, and/or the sale within the United States after importation of certain kinesiotherapy devices, and components thereof, including the kinesiotherapy devices imported and sold by, among others, Respondent Mile Inc. d/b/a Lion’s Den Adult (“Mile, Inc.”).

Mile Inc. has executed a Consent Order Stipulation in which it agrees to the entry of this Consent Order and to all waivers and other provisions as required by the Commission's Rules of Practice and Procedure, and has filed a Motion for Partial Termination of this Investigation with respect to its accused kinesiotherapy devices and components thereof, based on the Consent Order Stipulation.

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

- (1) Upon entry of this Consent Order, Mile Inc. shall not sell for importation, directly or indirectly import into the United States, or sell in the United States after importation or knowingly aid, abet, encourage, participate in, or induce the sale for importation, importation into the United States or sale in the United States after importation Bushman Products’ The Screaming O Ogee, Evolved Novelties’ Bendable You Too, Lelo’s PicoBong Mahana, Lelo’s Insignia Tiani, or Natural Contour’s le Duet (each a “Product” and combined the “Accused Devices”), unless (a) the Commission finds that the Product is not infringing either U.S. Patent No. 7,931,605 (“the ’605 patent”) and U.S. Design Patent No. D605,779 (“the ’779 patent”), in which case Mile Inc. may resume sales of the Product found to be non-infringing; (b) both of the Patents are determined to be invalid; or (c) Standard Innovation’s claims against the Product are dismissed or otherwise denied or disposed of for lack of merit by the Commission.
- (2) Mile Inc., including its officers, directors, employees, agents, and any entity or individual acting on its behalf and with its authority, agrees, upon entry of the Consent Order, that they will not directly or indirectly import into the United States, sell for

importation into the United States, or sell within the United States after importation, or knowingly aid, abet, encourage, participate in, or induce importation into the United States, the sale for importation into the United States, or the sale, offer for sale, or use in the United States after importation the Accused Devices, unless (a) the Commission finds that the Product is not infringing either the '605 Patent or the '779 Patent, in which case Mile Inc. may resume sales of the Product found to be non-infringing; (b) both of the Patents are determined to be invalid; or (c) Standard Innovation's claims against the Product are dismissed or otherwise denied or disposed of for lack of merit by the Commission.

- (3) Mile Inc. shall be precluded from seeking judicial review or otherwise challenging or contesting the validity of the Consent Order.
- (4) Mile Inc. shall not seek to impede by litigation or other means the Commission's efforts to gather information under subpart I of the Commission's Rules of Practice and Procedure, 19 C.F.R. Part 210.
- (5) Mile Inc. shall not seek to challenge and is precluded from any challenges to the validity or enforceability of the claims of the '605 patent or the '779 patent in any administrative or judicial proceeding to enforce the Consent Order.
- (6) When each of the '605 and '779 patents expires, this Consent Order shall become null and void as to such patent.
- (7) This Investigation is hereby terminated with respect to Mile Inc.; provided, however, that enforcement, modification, or revocation of the Consent Order shall be carried out pursuant to Subpart I of the Commission's Rules of Practice and Procedure, 19 C.F.R. Part 210.

BY ORDER OF THE COMMISSION:

/s/  
Lisa R. Barton  
Acting Secretary to the Commission

Issued: May 8, 2012