

**VIA EDIS**

October 13, 2020

The Honorable Lisa R. Barton  
Secretary  
United States International Trade Commission  
500 E Street, S.W.  
Washington, D.C. 20436

Re: *Certain Electronic Shavers and Components and Accessories Thereof*  
Inv. No. 337-TA-

Dear Secretary Barton:

In accordance with the Commission's Temporary Change to Filing Procedures dated March 16, 2020, Complainant Skull Shaver, LLC, submit the following documents in support of their request that the Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, concerning certain electric shavers and components and accessories thereof:

1. One (1) electronic copy of Complainant's verified Complaint, pursuant to Commission Rule 210.8(a)(1)(i).
2. One (1) electronic copy of the public exhibits to the Complaint, pursuant to Commission Rules 210.8(a)(1)(i) and 201.12(a)(9), including:
  - a. One (1) electronic copy of the certified versions of United States Patent Nos. 8,726,528, and D672,504 (collectively, the "Asserted Patents"), listed as Exhibits 1 and 3 to the Complaint, pursuant to Commission Rule 210.12(a)(9)(i), and
  - b. One (1) electronic copy of the certified versions of assignment records for the Asserted Patents, listed as Exhibits 2 and 4 to the Complaint, pursuant to Commission Rule 210.12(a)(9)(ii).
3. One (1) electronic copy of confidential exhibit 11 to the Complaint, pursuant to Commission Rules 201.6(c) and 210.8(a)(1)(ii).

The Honorable Lisa R. Barton

October 13, 2020

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4. One (1) electronic copy of the certified prosecution histories of each of the Asserted Patents, included as Appendices A and C to the Complaint, pursuant to Commission Rule 201.12(c)(1).
5. One (1) electronic copy of each of the patents and applicable pages of each technical reference identified in the prosecution histories of the Asserted Patents as Appendices B and D to the Complaint, pursuant to Commission Rule 210.12(c)(2).
6. A letter and certification requesting confidential treat for the information contained in confidential exhibit 11 to the Complaint, pursuant to Commission Rules 201.6(b) and 210.5(d).
7. A Statement of the Public Interest regarding the remedial orders sought by Complainants in the Complaint, pursuant to Commission Rule 210.8(b).

Please contact me with any questions regarding this submission. Thank you for your attention to this matter.

Respectfully submitted,

*/s/ Thomas S. Fusco*

Thomas S. Fusco

Counsel for Complainant Skull Shaver, LLC



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The Honorable Lisa R. Barton  
Secretary  
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Re: *Certain Electronic Shavers and Components and Accessories Thereof*  
Inv. No. 337-TA-

Dear Secretary Barton:

Pursuant to Commission Rules 201.6(b) and 210.5(d), Complainant Skull Shaver, LLC respectfully requests confidential treatment of certain confidential business information contained in Confidential Exhibit 11 to the Complaint filed contemporaneously with this letter.

The information in this confidential exhibit consists of proprietary financial data regarding Complainant's domestic investments as described in the Complaint. A non-confidential version of this exhibit with the confidential information redacted is being filed concurrently.

I certify that the proprietary information described herein qualifies as confidential business information under Commission Rule 201.6 because substantially-identical information is not available to the public, because the disclosure of this information would cause substantial competitive harm to Complainants, their business partners, or customers, and because the disclosure of this information would likely impede the Commission's efforts and ability to obtain similar information in the future.

The Honorable Lisa R. Barton  
October 13, 2020  
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Please contact me with any questions regarding this submission. Thank you for your attention to this matter.

Respectfully submitted,

*/s/ Thomas S. Fusco*

Thomas S. Fusco

Counsel for Complainant Skull Shaver, LLC

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

**In the Matter of  
CERTAIN ELECTRIC SHAVERS AND  
COMPONENTS AND ACCESSORIES  
THEREOF**

**Inv. No. 337-TA-\_\_\_\_\_**

**COMPLAINANT’S PUBLIC INTEREST STATEMENT**

In support of its Complaint filed on October 13, 2020, entitled *In the Matter of Certain Electric Shavers and Components and Accessories Thereof*, Skull Shaver, LLC (“Skull Shaver” or “Complainant”) respectfully submits this separate statement of public interest as required by Commission Rule 210.8(b), 19 C.F.R. §210.8(b).

This proceeding involves the importation, sale for importation, and/or sale after importation into the United States of certain electric shavers and their components and accessories that infringe United States Patent Nos. 8,726,528, and D672,504, herein collectively referred to as the “Skull Shaver Patents.” Specifically, Skull Shaver seeks a general exclusion order (or, in the alternative, a limited exclusion order specifically directed to each named Respondent<sup>1</sup> and their subsidiaries, affiliates, agents, successors, and assigns) covering the accused products as identified in Skull Shaver’s Complaint. Skull Shaver also seeks cease-and-desist orders covering the accused products as identified in Skull Shaver’s Complaint, and a bond upon Respondents’ importation of infringing products.

Issuance of the requested remedial orders will provide effective relief in the face of ongoing and open patent infringement in the United States by the proposed Respondents. In this

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<sup>1</sup> See Exhibit 12 for the full list of proposed respondents.

case, the requested remedial orders would not have an adverse effect on public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers. Protecting Skull Shaver's intellectual property rights and investment in domestic industry in the United States through the requested remedial orders will accordingly serve the public interest while having little or no adverse effect on the public interest.

**I. THE REQUESTED REMEDIAL ORDERS ARE IN ACCORD WITH THE PUBLIC INTEREST**

The Commission has long recognized the strong public interest in enforcing intellectual property rights. *See Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets*, Inv. No. 337-TA-543, USITC Pub. 4258, at 136-37 (Oct. 2011). In this case, the requested remedial orders are in accord with the public interest for the following reasons: (1) exclusion of the accused devices and products will not have an adverse effect on the public health or welfare, as those issues are defined by the Commission; (2) Skull Shaver and other competitors can fill any void in the market caused by the requested remedial orders within a commercially reasonable amount of time; and (3) the requested remedial orders will not adversely affect United States consumers.

**(1) Explanation of how the articles potentially subject to the requested remedial orders are used in the United States (Rule 210.8(b)(1))**

The articles potentially subject to exclusion and/or cease and desist orders are electric shavers and their components and accessories. They are used generally for shaving the body, and particularly hair on curved parts of the body such as the head. Recognizing that conventional electric shavers were constructed with housing shapes and components that lacked comfort and efficiency when

used for certain grooming tasks, Skull Shaver shifted away from conventional electric shaver design concepts (e.g., an elongated, vertical housing that concurrently serves as a handle). Skull Shaver's array of innovative technical and design concepts yielded electric shaving products imbued with the ability to provide both (1) a more effective and comfortable personal grooming experience, and separately (2) an aesthetically pleasing form to the shaver itself. Specifically, Skull Shaver's novel innovation allows the user to comfortably hold the shaver while resting their hand against the skin in a manner that allows the user to feel the surface of the skin being shaved, providing the user with sensory feedback. This helps the user guide the shaver cutting surface as well as inspect the quality of the shave by feel.

The proposed Respondents import the accused devices from outside the United States for sale within the United States after importation and make the accused devices available for sale via various outlets including multiple online retailers and wholesalers.

**(2) Identification of any public health, safety; or welfare concerns relating to the requested remedial orders (Rule 210.8(b)(2))**

There are no health, safety, or welfare concerns at issue in this investigation. The accused products are electric shavers and their components and accessories, and are not the type of products that have raised concerns by the Commission about public health, safety, or welfare, and there are no special circumstances here that would support a different result. *See, e.g., Certain Radio Control Hobby Transmitters and Receivers and Products Containing Same*, Inv. No. 337-TA-763, Notice of Issuance of Limited Exclusion Order (Sept. 27, 2011). In general, concerns about a proposed remedy having a negative impact on public health, safety, or welfare have arisen in investigations involving pharmaceuticals, medical equipment, or green technology products, such as hybrid cars or solar panels. Those concerns are not here extant. The electric shavers and their components and

accessories subject to exclusion are intended for personal grooming and consequently do not implicate public health or welfare concerns. The requested relief, if anything, supports the public interest because it would serve the purpose of enforcing U.S. intellectual property rights. More specifically still, the Commission has found public interest considerations to outweigh the need for injunctive relief in protecting intellectual property rights in only a handful of investigations, for matters where an exclusion order would deprive the public of products necessary for important health and welfare needs. *See Spansion, Inc. v. Int'l Trade Comm'n*, 629 F.3d 1331, 1360 (Fed. Cir. 2010).

**(3) Identification of like or directly competitive articles that Complainant's or third parties make that would replace the subject articles if they were to be excluded (Rule 210.8(b)(3))**

Skull Shaver designs, manufactures, and sells electric shavers and their components and accessories. In addition, electric shavers of other manufacturers that do not infringe the Skull Shaver Patents are widely available on the market in the United States. Thus, even if the accused products at issue in this investigation were excluded, consumers would still have a wide variety of authentic, non-infringing products from which to choose that would be manufactured by Skull Shaver and other competitors.

**(4) Identification of whether the Complainants have the capacity to replace the volume of articles subject to the requested remedial orders in a commercially reasonable time in the United States (Rule 210.8(b)(4))**

The accused products account for a portion of the total market for electric shavers in the United States. Skull Shaver has the ability and capacity to replace the sale of electric shavers subject to exclusion in a commercially reasonable time in the United States. *See Confidential Exhibit 11 (DI Declaration)*. If the accused products were excluded from the United States, U.S. consumers would continue to have access to an

immense quantity of non-infringing electric shavers at all price points sold by Skull Shaver and other non-infringing competitors. As non-essential consumer products, for which many non-infringing alternative designs exist, exclusion of the Accused Products would not implicate the public interest.

**(5) The requested remedial orders will not adversely impact U.S. consumers (Rule 210.8(b)(5)).**

As explained above, the exclusion of electric shavers and their components and accessories, whether by general exclusion order, limited exclusion order, and/or cease and desist order, would not adversely affect consumers in the United States. Given that there would be no unfilled demand for electric shavers since Skull Shaver and other third parties manufacture substitute electric shavers, any impact to the public interest by the exclusion of Respondents' infringing products will be minimal.

## **II. CONCLUSION**

If the Commission grants the requested remedial orders, the public interest will be served. The accused devices are not necessary to any health or welfare need, and an adequate supply of substitute devices will be available through Skull Shaver and other competitors. As such, the strong public interest in protecting Skull Shaver's valid intellectual property rights outweighs any potential adverse impact on the public.

Dated: October 13, 2020

Respectfully submitted,

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By: /s/ Thomas S. Fusco

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UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C.

**In the Matter of  
CERTAIN ELECTRIC SHAVERS AND  
COMPONENTS AND ACCESSORIES  
THEREOF**

**Inv. No. 337-TA-\_\_\_\_\_**

**VERIFIED COMPLAINT UNDER SECTION 337  
OF THE TARIFF ACT OF 1930, AS AMENDED**

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## LIST OF EXHIBITS

Exhibit Number	Description
1	Certified copy of U.S. Patent No. 8,726,528 (“the ’528 patent”)
2	Certified copy of the Assignments related to the ’528 patent to Skull Shaver
3	Certified copy of U.S. Design Patent No. D672,504 (“the ’504 patent”)
4	Certified copy of the Assignments related to the ’504 patent to Skull Shaver
5	Accused Product Claim Charts for U.S. Patent No. 8,726,528
6	Accused Product Claim Charts for U.S. Design Patent No. D672,504
7	Skull Shaver® Pitbull® Platinum PRO, Pitbull® Gold PRO, Pitbull® Silver PRO, Butterfly® II Smart, Butterfly Kiss® PRO, Butterfly Kiss®, Bald Eagle®, Trinity, and Palm® shaver Claim Charts for U.S. Patent No. 8,726,528
8	Skull Shaver® Pitbull® Platinum PRO, Pitbull® Gold PRO, Pitbull® Silver PRO, Bald Eagle®, Trinity, and Palm® shaver Claim Charts for U.S. Design Patent No. D672,504
9	Photographs of Skull Shaver® Pitbull® Gold PRO Head and Face Shaver
10	Purchase Receipts and Invoices for Accused Products
11	<b><u>Confidential Exhibit</u></b> – Economic Domestic Industry Declaration
12	List of Respondents, Accused Products, and Infringed Claims
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17	Wenzhou Wending (Manual, Proof of Importation, Product Image)
18	Shenzhen Nukun (Manual, Proof of Importation, Product Image)
19	Yiwu Xingye (Manual, Proof of Importation, Product Image)
20	Magicfly (Manual, Proof of Importation, Product Image)
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22	Shenzhen Wantong (Manual, Proof of Importation, Product Image)
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24	Respondents' Replacement Parts Sales Listings
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<b>Appendix</b>	<b>Description</b>
A	Certified copy of the Prosecution History of the '528 patent
B	Technical references cited in the Prosecution History for the '528 patent
C	Certified copy of the Prosecution History of the '504 patent
D	Technical references cited in the Prosecution History for the '504 patent

## I. INTRODUCTION

1. This Complaint is filed by Skull Shaver, LLC (“Skull Shaver”) pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”). Skull Shaver respectfully requests that the United States International Trade Commission (the “Commission”) institute an investigation relating to the unlawful importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain electric shavers and components thereof manufactured by the following entities (collectively, the “Respondents”):

- Rayenbarny Inc. (d.b.a. “AsaVea”)
- Bald Shaver Inc.
- Suzhou Kaidiya Garments Trading Co., Ltd. (d.b.a. “Digimator”)
- Shenzhen Aiweilai Trading Co., Ltd. (d.b.a. “Teamyo”)
- Wenzhou Wending Electric Appliance Co., Ltd. (d.b.a. “Paitree”)
- Shenzhen Nukun Technology Co., Ltd. (d.b.a. “OriHea”)
- Yiwu Xingye Network Technology Co. Ltd. (d.b.a. “Roziapro”)
- Magicfly LLC
- Yiwu City Qiaoyu Trading Co., Ltd. (d.b.a. “Surker”)
- Shenzhen Wantong Information Technology Co., Ltd. (d.b.a. “WTONG”)
- Shenzhen Junmao International Technology Co., Ltd. (d.b.a. “Homeasy”)

2. The electric shavers manufactured by the Respondents infringe one or more claims of Skull Shaver’s valid United States patents.

3. Through their importation, sale for importation into the United States, and/or sale within the United States after importation of infringing electric shavers (herein “Electric Shavers”),<sup>1</sup> Respondents are each in violation of Section 337. Respondents’ Electric Shavers infringe the following United States Patents, all of which are owned by Skull Shaver:

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<sup>1</sup> The following terms may be used interchangeably: “electric shaver,” “shavers,” “head shavers,” and “handheld shavers.”

<b>U.S. Patent No.</b>	<b>Claims Asserted*</b>	<b>Abbreviation</b>	<b>Title</b>
8,726,528	<b>1, 2, 3</b>	'528 patent	Electric Head Shaver
D672,504		'504 patent	Electric Head Shaver

\*Independent claims in bold.

4. The term “Skull Shaver Patents” in this Complaint denotes U.S. Patent Nos. 8,726,528 and D672,504, collectively. Exhibit Nos. 1 and 3 contain certified copies of each of the Skull Shaver Patents, respectively. The term “Asserted Claims” refers to the claims identified in the table above.

5. Pursuant to 19 C.F.R. 210.12(a)(12), Skull Shaver states that the category of products accused are handheld electric head and body shavers and their components and accessories. Based upon currently available information, Respondents’ Electric Shavers, components, and accessories include, but are not limited to, the products identified below in Section V and Exhibit 12 of this Complaint. Discovery may reveal additional Respondents’ Electric Shavers that infringe the claims of the Skull Shaver Patents. Skull Shaver reserves the right to identify additional accused Electric Shavers in the future.

6. Pursuant to 19 U.S.C. §§ 1337 (a)(2) and (3), Skull Shaver states that an industry in the United States relating to articles protected by the Skull Shaver Patents exists. Skull Shaver makes and has made significant domestic investments in plant and equipment and labor and capital relating to articles protected by the Skull Shaver Patents, and makes and has made substantial domestic investments in research, development, and engineering to exploit the technologies covered by the Skull Shaver Patents.

7. Rather than develop non-infringing technologies, Respondents have engaged and continue to engage in activities aimed at diverting customers away from Skull Shaver and harming Skull Shaver’s sales of Electric Shavers. These activities include offering directly

competing products, manufactured in China and other countries, and subsequently imported into the United States, that infringe the Asserted Claims of the Skull Shaver Patents.

8. Skull Shaver seeks, as permanent relief, a general exclusion order excluding from entry into the United States all Electric Shavers and their components and accessories that infringe any Asserted Claim of Skull Shaver's '528 patent. In the alternative, Skull Shaver seeks a permanent limited exclusion order, specifically directed to each named Respondent and their subsidiaries, predecessors, affiliates, agents, successors, and assigns<sup>2</sup> excluding from entry into the United States Respondents' Electric Shavers and their components and accessories that infringe any Asserted Claim of the Skull Shaver Patents. Skull Shaver also seeks a cease and desist order pursuant to 19 U.S.C. § 1337(f), prohibiting the importation, sale for importation, use, offering for sale, marketing, sale after importation, distribution, licensing, or otherwise transferring within the United States, of all infringing Respondents' Electric Shavers and their components and accessories. Furthermore, Skull Shaver requests that the Commission impose a bond upon Respondents' importation of all infringing Respondents' Electric Shavers and their components and accessories during the 60-day Presidential review period, pursuant to 19 U.S.C. § 1337(j), to prevent any injury to Skull Shaver.

## **II. THE PARTIES**

### **A. The Complainant**

9. Complainant Skull Shaver is a limited liability company organized and existing under the laws of the State of New Jersey with a principal place of business at 1503 Glen Avenue, Suite 601, Moorestown, New Jersey 08057.

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<sup>2</sup> Including but not limited to all Respondent entities identified in Section II.B. of this Complaint.

10. Since the two founders of Skull Shaver came together in 2010, Skull Shaver has designed and developed highly effective electric shavers that allows the user to have versatility in handling the shaver. Both of Skull Shaver's founders served the United States, making Skull Shaver a proud veteran-owned business. Skull Shaver's electric shavers were first offered for sale through Amazon.com in 2012 and instantly became a hit. Since then, Skull Shaver has been featured in several local and national newspapers, radio stations, websites, and blogs.

11. Skull Shaver designs, develops, and supports a variety of electric shaver and grooming products including men's shavers, women's shaver, and hair clippers. Skull Shaver's product offerings also extend to replacement shaver blades, trimmer and shaver attachments, electronic shaver chargers and adaptors, and additional shaving accessories. Additional information concerning Skull Shaver may be located on Skull Shaver's website (<http://www.skullshaver.com/>).

12. Skull Shaver has its corporate headquarters and warehousing facilities in New Jersey.

13. For almost 10 years, Skull Shaver has made significant investment in the development, engineering, and design of proprietary technologies now implemented in its Electric Shavers, as well as significant investment in plant and equipment and employment of labor for the sales and support of those shavers and similar products.

14. The inventions covered by the Skull Shaver Patents arose out of the inventor's recognition of the effectiveness and ease of use of a horizontal electric shaver body and handle, versus the traditional electric shaver vertical handle. The unique design of this handle allows one to reach the back of their head or leg, or other parts of their body, much more easily than ever before.

15. To protect its investments, Skull Shaver utilizes patent protection, and owns numerous patents. Because Skull Shaver has invested in the design and development of its shaver products, and because Skull Shaver has built its reputation on offering superior products through innovative technology and design, Skull Shaver's continued success depends in substantial part on its ability to establish, maintain, and protect its proprietary technology and design through enforcement of its patent rights.

**B. The Proposed Respondents**

16. Upon information and belief, and as described in more detail below in Section XI, other proposed respondents may exist but are difficult or impossible to name due to the cloak of anonymity behind which they conduct business. These respondents include such companies and brands as Hatteker, MuYuTek, MaLife, Big Lemon, Belita Amy, Simplify Safe, and Carenable, including any associated manufacturers, distributors, and importers. Skull Shaver may request that one or more of these entities be added as additional respondents to this investigation should facts learned in discovery enable Skull Shaver to do so. The investigation may also reveal potential respondents who were previously unknown, whose Electric Shavers were unavailable to Skull Shaver for analysis, or whose significance was hidden through the use of anonymous sales platforms like Amazon and eBay. Skull Shaver may request that these entities be added as additional respondents.

*1. Rayenbarny Inc. (d.b.a. "AsaVea")*

17. Upon information and belief, Rayenbarny Inc. ("Rayenbarny") is a New York corporation with its principal place of business at 299 Park Avenue, Floor 6, New York, NY. Rayenbarny sells for importation into the United States, imports, and/or sells within the United States after importation Electric Shavers that infringe one or more claims of the Skull Shaver Patents.

18. Rayenbarny manufactures and markets Electric Shavers, including the Men's 5-in-1 Electric Shaver & Grooming Kit by AsaVea. Upon information and belief, Rayenbarny Electric Shavers infringe one or more claims of the Skull Shaver Patents.

2. *Bald Shaver Inc.*

19. Upon information and belief, Bald Shaver Inc. ("Bald Shaver") is a Canadian corporation with its principal place of business at 540 King Street W, Toronto, Ontario, Canada. Bald Shaver sells for importation into the United States, imports, and/or sells within the United States after importation Electric Shavers that infringe one or more claims of the Skull Shaver Patents.

20. Bald Shaver manufactures and markets Electric Shavers, including the LK-1800. Upon information and belief, Bald Shaver's Electric Shavers infringe one or more claims of the Skull Shaver Patents.

3. *Suzhou Kaidiya Garments Trading Co., Ltd. (d.b.a. "Digimator")*

21. Upon information and belief, Suzhou Kaidiya Garments Trading Co., Ltd. ("Suzhou Kaidiya") is a Chinese corporation with its principal place of business at Room 50, Building 16-52, Shihui Fang Industrial Park, Suzhou, Jiangsu, 215000, China. Suzhou Kaidiya sells for importation into the United States, imports, and/or sells within the United States after importation Electric Shavers that infringe one or more claims of the Skull Shaver Patents.

22. Suzhou Kaidiya manufactures and markets Electric Shavers, including the Kibiy Bald Head Shaver LED Mens Electric Shaving Razor by Digimator. Upon information and belief, Suzhou Kaidiya Electric Shavers infringe one or more claims of the Skull Shaver Patents.

4. *Shenzhen Aiweilai Trading Co., Ltd. (d.b.a. "Teamyo")*

23. Upon information and belief, Shenzhen Aiweilai Trading Co., Ltd. ("Shenzhen Aiweilai") is a Chinese corporation with its principal place of business at Room 302, Building

39, Shuiwei No.1, Minzhi Street, Longhua New District, Shenzhen, Guangdong, 518000, China.

Shenzhen Aiweilai sells for importation into the United States, imports, and/or sells within the United States after importation Electric Shavers that infringe one or more claims of the Skull Shaver Patents.

24. Shenzhen Aiweilai manufactures and markets Electric Shavers, including the Teamyo 5D Floating Deep Clean Head Shaver for Bald Men. Upon information and belief, Shenzhen Aiweilai Electric Shavers infringe one or more claims of the Skull Shaver Patents.

5. *Wenzhou Wending Electric Appliance Co., Ltd. (d.b.a. "Paitree")*

25. Upon information and belief, Wenzhou Wending Electric Appliance Co., Ltd. ("Wenzhou Wending") is a Chinese corporation with its principal place of business at 502, Building 8, West Street, Lecheng Street, Yueqing City, Zhejiang Province, 325600, China. Wenzhou Wending sells for importation into the United States, imports, and/or sells within the United States after importation Electric Shavers that infringe one or more claims of the Skull Shaver Patents.

26. Wenzhou Wending manufactures and markets Electric Shavers, including the PaiTree 5 in 1 Head and Face Electric Rotary Shaver. Upon information and belief, Wenzhou Wending Electric Shavers infringe one or more claims of the Skull Shaver Patents.

6. *Shenzhen Nukun Technology Co., Ltd. (d.b.a. "OriHea")*

27. Upon information and belief, Shenzhen Nukun Technology Co., Ltd. ("Shenzhen Nukun") is a Chinese corporation with its principal place of business at A2-405, Zhongbaotong Technology Park, No. 34, Changfa West Road, Wuhe Metro Station, Longgang District, Shenzhen, Guangdong, 518000, China. Shenzhen Nukun sells for importation into the United States, imports, and/or sells within the United States after importation Electric Shavers that infringe one or more claims of the Skull Shaver Patents.

28. Shenzhen Nukun manufactures and markets Electric Shavers, including the OriHea 5 in 1 Head Shavers for Bald Men Electric Rotary Razor. Upon information and belief, Shenzhen Nukun Electric Shavers infringe one or more claims of the Skull Shaver Patents.

7. *Yiwu Xingye Network Technology Co. Ltd. (d.b.a. "Roziapro")*

29. Upon information and belief, Yiwu Xingye Network Technology Co. Ltd. ("Yiwu Xingye") is a Chinese corporation with its principal place of business at Choujiang Street, Chengzhongxilu No.93, Yiwu, Zhejiang, 322000, China. Yiwu Xingye sells for importation into the United States, imports, and/or sells within the United States after importation Electric Shavers that infringe one or more claims of the Skull Shaver Patents.

30. Yiwu Xingye manufactures and markets Electric Shavers, including the Roziapro Electric Razor for Men 6 in 1 Bald Head Shaver. Upon information and belief, Yiwu Xingye Electric Shavers infringe one or more claims of the Skull Shaver Patents.

8. *Magicfly LLC*

31. Upon information and belief, Magicfly LLC ("Magicfly") is a Hong Kong corporation with its principal place of business at Room 1501, Grand Millennium Plaza, Lower Blk, 181 Queen's Road, Center Hong Kong. Magicfly sells for importation into the United States, imports, and/or sells within the United States after importation Electric Shavers that infringe one or more claims of the Skull Shaver Patents.

32. Magicfly manufactures and markets Electric Shavers, including the Magicfly Rechargeable Waterproof Shaver for Women. Upon information and belief, Magicfly Electric Shavers infringe one or more claims of the Skull Shaver Patents.

9. *Yiwu City Qiaoyu Trading Co., Ltd. (d.b.a. "Surker")*

33. Upon information and belief, Yiwu City Qiaoyu Trading Co., Ltd. ("Yiwu City") is a Chinese corporation with its principal place of business at 401, 2 Hao, 33 Zhuang Duyuan

Cun, Houzhai, Jiedao, Yiwu, Zhejiang, 322000, China. Yiwu City sells for importation into the United States, imports, and/or sells within the United States after importation Electric Shavers that infringe one or more claims of the Skull Shaver Patents.

34. Yiwu City manufactures and markets Electric Shavers, including the Surker 6 in 1 Electric Shavers for Men Bald Head. Upon information and belief, Yiwu City Electric Shavers infringe one or more claims of the Skull Shaver Patents.

10. *Shenzhen Wantong Information Technology Co., Ltd. (d.b.a. "WTONG")*

35. Upon information and belief, Shenzhen Wantong Information Technology Co., Ltd ("Shenzhen Wantong") is a Chinese corporation with its principal place of business at B1330, Chuangwei Chuangxin Valley, No. 8, Tangtou No.1 Road, Tangtou Community, Shiyan Street, Baoan District, Shenzhen, Guangdong, 518000, China. Shenzhen Wantong sells for importation into the United States, imports, and/or sells within the United States after importation Electric Shavers that infringe one or more claims of the Skull Shaver Patents.

36. Shenzhen Wantong manufactures and markets Electric Shavers, including the Electric Razor Grooming Kit for Men 4 in 1 Dry Wet Waterproof Rotary Bald Head Shaver by WTONG. Upon information and belief, Shenzhen Wantong Electric Shavers infringe one or more claims of the Skull Shaver Patents.

11. *Shenzhen Junmao International Technology Co., Ltd. (d.b.a. "Homeasy")*

37. Upon information and belief, Shenzhen Junmao International Technology Co., Ltd ("Shenzhen Junmao") is a Chinese corporation with its principal place of business at Minle Gongyeyuan Erdong 401, Longhua Xinqu Minzhi Jiedao, Shenzhen, Guangdong, 518000, China. Shenzhen Junmao sells for importation into the United States, imports, and/or sells within the United States after importation Electric Shavers that infringe one or more claims of the Skull Shaver Patents.

38. Shenzhen Junmao manufactures and markets Electric Shavers, including the Homeasy Men Electric Razor Bald Head Shaver. Upon information and belief, Shenzhen Junmao Electric Shavers infringe one or more claims of the Skull Shaver Patents.

### **III. THE TECHNOLOGY AND PRODUCTS AT ISSUE<sup>3</sup>**

39. The Accused Products are Electric Shavers and their components and accessories. Upon information and belief, Respondents or entities on behalf of Respondents import and sell these products within the United States. These products include, but are not limited to, the Accused Products identified in Exhibit 12.

40. Before Skull Shaver developed the horizontal electric shaver body and handle embodied by the Pitbull Platinum PRO, Pitbull Gold PRO, Pitbull Silver PRO, Butterfly II Smart, Butterfly Kiss PRO, Butterfly Kiss, Bald Eagle, Trinity, and Palm electric shavers (collectively the “Skull Shaver Devices”), prevailing handheld electric shaver designs were limiting in grip orientation and versatility of use, particularly when shaving hair on curved parts of the body. Most designs incorporated a vertical handle and did not provide the user with firm gripping in order to achieve a consistent and uniform shave over curved portions of the body. Furthermore, prior electric shavers did not fit in the user’s hand in a comfortable manner particularly when the shaver was oriented with the grip above the cutter surface, such as when reaching upward to shave the head. Skull Shaver invested hundreds of hours of labor at its U.S. facilities to research, design, and develop a solution to the issues with the prevailing electric shaver designs.

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<sup>3</sup> The description contained in this section of the Complaint is provided only for informational purposes, and is not meant to take a position with respect to claim construction and/or substantive elements of patent law.

41. The result of that significant investment was the patented Skull Shaver Devices. The shape and design of the shaver housings fits the hand in a comfortable manner, especially when the shaver is held in an orientation where the housing is above the cutter. When the shaver is oriented in this manner, it is then possible to either grip the shaver with two fingers as between the thumb and index finger, or between the index and middle fingers, or between the middle and ring fingers, while resting the remainder of the hand against the skin. This helps the user properly orient and place the cutting surface of the shaver against the skin while being able to feel whether the skin has been sufficiently shaved, providing the user with sensory feedback. Skull Shaver continues to invest in research, design, and development of electric shavers. The introduction of Skull Shaver's patented electric shavers was met with widespread industry praise, garnering numerous positive reviews, and the shavers have been a significant commercial success for Skull Shaver.

42. Since Skull Shaver introduced the Skull Shaver Devices, numerous companies, including the proposed Respondents, began to copy the Skull Shaver Devices' designs in their shaver products.

#### **IV. THE PATENTS AT ISSUE AND NON-TECHNICAL DESCRIPTION OF THE PATENTS<sup>4</sup>**

##### **A. Identification and Ownership of the Skull Shaver Patents**

###### *1. The '528 patent*

43. The inventor of the '528 patent, John Lyles, assigned to Skull Shaver all rights, title, and interest in the invention ultimately disclosed and claimed in the '528 patent. Exhibit 1 contains a certified copy of the '528 patent. Exhibit 2 contains a certified copy of each

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<sup>4</sup> The description contained in this section of the Complaint is provided only for explanatory purposes, and is not meant to take a position with respect to claim construction and/or substantive elements of patent law.

assignment of the '528 patent. The '528 patent is valid, enforceable, and is currently in full force and effect. The '528 patent is scheduled to expire on June 13, 2032.

44. A certified copy of the United States Patent and Trademark Office (“USPTO”) prosecution history for the '528 patent is submitted herewith as Appendix A. Copies of the applicable pages of each technical reference mentioned in the prosecution history of the '528 patent are submitted herewith as Appendix B.

45. No foreign patents or patent applications corresponding to the '528 patent have been filed, withdrawn, abandoned, or rejected.

2. *The '504 patent*

46. The inventor of the '504 patent, John Lyles, assigned to Skull Shaver all rights, title, and interest in the invention ultimately disclosed and claimed in the '504 patent. Exhibit 3 contains a certified copy of the '504 patent. Exhibit 4 contains a certified copy of each assignment of the '504 patent. The '504 patent is valid, enforceable, and is currently in full force and effect. The '504 patent is scheduled to expire on December 11, 2026.

47. A certified copy of the United States Patent and Trademark Office (“USPTO”) prosecution history for the '504 patent is submitted herewith as Appendix C. Copies of the applicable pages of each technical reference mentioned in the prosecution history of the '504 patent are submitted herewith as Appendix D.

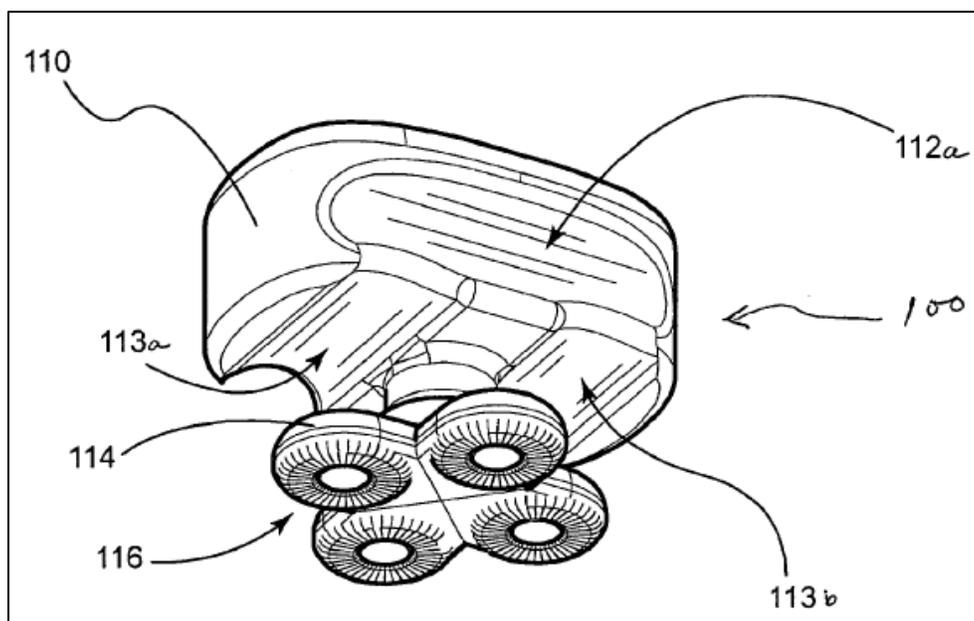
48. No foreign patents or patent applications corresponding to the '504 patent have been filed, withdrawn, abandoned, or rejected.

**B. Non-Technical Description of the Skull Shaver Patents<sup>5</sup>**

49. The '528 and '504 patents each describe and depict the novel aspects of the Skull Shaver Devices.

*1. The '528 patent*

50. The '528 patent generally describes an electric shaver for shaving hair on curved parts of the body, and providing a form that fits the user's hand sufficiently as a grip so as to allow the user to manipulate the shaver, especially when reaching upward to shave the head. *See generally* Exhibit 1 at 1:5-13.



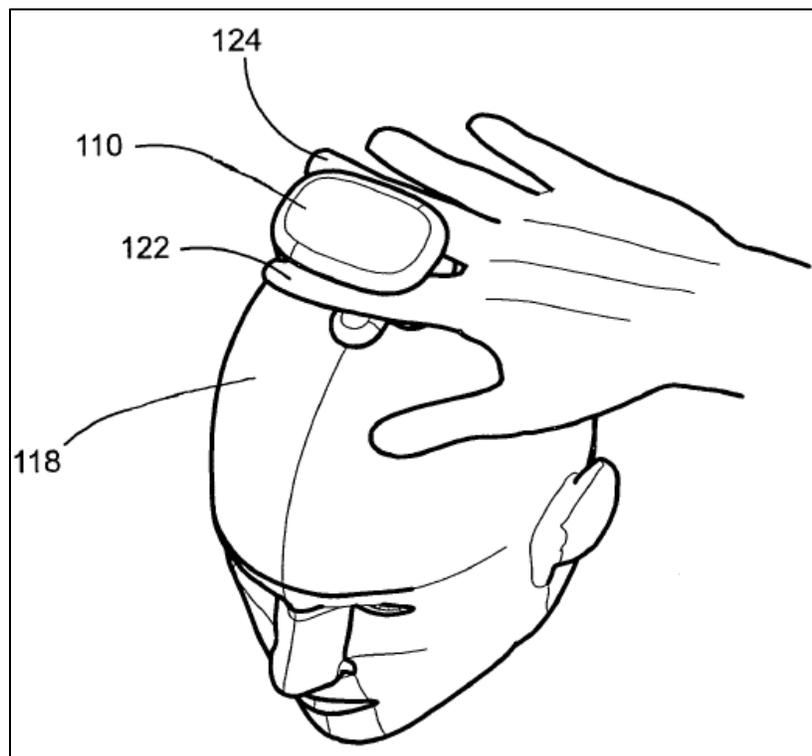
The '528 patent at Fig. 2

51. The '528 patent describes the desirability of having the shaver to be held in such a manner so as to orient the grip above the cutting surface, for example when shaving the head, that fits the hand in a comfortable manner. *See id.* at 1:38-49. When the shaver is oriented with

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<sup>5</sup> The contents of this Complaint, including this section (i.e., “Non-Technical Description of the Patented Invention”), are for general informational purposes and are not intended to construe either the specification or claims of the Skull Shaver Patents.

the grip above the cutting surface, it is possible to either grip the shaver with two fingers as between the thumb and index finger, or between the index and middle fingers, while resting the remainder of the hand against the skin. *See id.* at 1:56-60. This helps the user properly orient and place the cutting surface of the shaver against the skin while being able to feel whether the skin has been sufficiently shaved. *See id.* at 1:60-63. In other words, the invention permits the remainder of the user's hand to rest against the scalp in a manner that allows the user to feel the surface of the scalp, which helps the user guide the shaver cutting surface as well as inspect the quality of the shave by feel. *See id.* at 3:41-45.



The '528 patent at Fig. 4

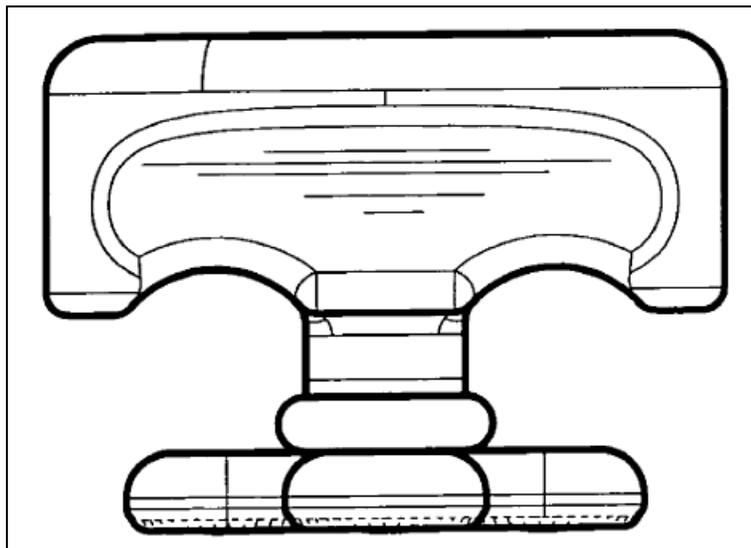
52. Previous designs incorporated a vertical handle and did not provide the user with firm gripping in order to achieve a consistent and uniform shave over curved portions of the body. Furthermore, prior electric shavers did not fit in the user's hand in a comfortable manner particularly when the shaver was oriented with the grip above the cutter surface, such as when

reaching upward to shave the head. Skull Shaver designed the Skull Shaver Devices to provide users with a highly effective electric shaver which allows users to reach the back of their head or leg, or other parts of their body, much more easily than with previous electric shavers. The overall design facilitates a consistent and uniform shave for the user.

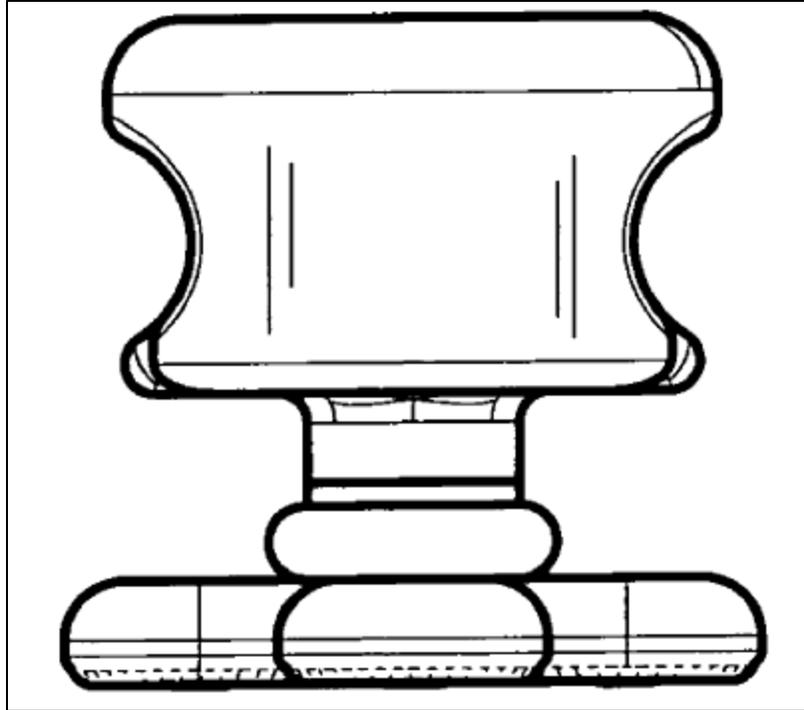
2. *The '504 design patent*

53. The '504 patent claims and discloses ornamental designs of Skull Shaver's novel electric shavers. The figures of the '504 patent depicts an electric shaver with novel elements to achieve the desired versatility in usability and handling, while also overcoming drawbacks of previous vertical handle electric shavers.

54. The '504 patent claims and depicts an electric head shaver incorporating a flat top as well as recesses to permit user versatility in handling when shaving curved parts of the body, allowing the user to achieve a consistent quality shave particularly when the shaver is held in such a manner so as to orient the grip above the cutting surface. *See generally* Exhibit 3.



The '504 patent at Fig. 5



The '504 patent at Fig. 6

**V. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS – PATENT INFRINGEMENT**

55. Upon information and belief, Respondents are engaged in the importation, sale for importation, and/or sale within the United States after importation of Respondents' Electric Shavers that infringe the Skull Shaver Patents either literally or under the doctrine of equivalents. These activities by Respondents constitute a violation of Section 337. Upon information and belief, Respondents' Electric Shavers infringe at least claims 1-3 of the '528 patent and the '504 patent.<sup>6</sup> On information and belief, Respondents manufacture, assemble, package and/or test the accused products overseas, at least in China. On information and belief, these same products are then imported into the United States, sold for importation into the United States, and/or sold after

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<sup>6</sup> See Exhibit 12, which also lists each Respondent's infringing Electric Shaver and the specific claims infringed by each Electric Shaver.

importation into the United States by Proposed Respondents. Further discovery may reveal that Proposed Respondents infringe additional claims of the Skull Shaver Patents.

56. Below is a chart listing the Respondents, their infringing products, and the infringed Skull Shaver Patents:

<b>Respondent</b>	<b>Infringing Product Model</b>	<b>Infringed Skull Shaver Patents (Claims Infringed)</b>
<b>Rayenbarny</b>	Men's 5-in-1 Electric Shaver & Grooming Kit by AsaVea	'528 patent (1)
<b>Bald Shaver</b>	LK-1800 Shaver	'528 patent (1)
<b>Suzhou Kaidiya</b>	Kibiy Bald Head Shaver LED Mens Electric Shaving Razor by Digimator	'528 patent (1)
<b>Shenzhen Aiweilai</b>	Teamyo 5D Floating Deep Clean Head Shaver for Bald Men	'528 patent (1)
<b>Wenzhou Wending</b>	PaiTree 5 in 1 Head and Face Electric Rotary Shaver	'528 patent (1)
<b>Shenzhen Nukun</b>	OriHea 5 in 1 Head Shavers for Bald Men Electric Rotary Razor	'528 patent (1)
<b>Yiwu Xingye</b>	Roziapro Electric Razor for Men 6 in 1 Bald Head Shaver	'528 patent (1, 2, 3); '504 patent
<b>Magicfly</b>	Magicfly Rechargeable Waterproof Shaver for Women	'528 patent (1)
<b>Yiwu City</b>	Surker 6 in 1 Electric Shavers for Men Bald Head	'528 patent (1, 2, 3); '504 patent
<b>Shenzhen Wantong</b>	Electric Razor Grooming Kit for Men 4 in 1 Dry Wet Waterproof Rotary Bald Head Shaver by WTONG	'528 patent (1)
<b>Shenzhen Junmao</b>	Homeasy Men Electric Razor Bald Head Shaver	'528 patent (1)

**A. Infringement of the '528 patent**

57. On information and belief, Rayenbarny's Men's 5-in-1 Electric Shaver & Grooming Kit by AsaVea infringes the asserted claim of the '528 patent. Further discovery may reveal additional infringing Rayenbarny products and/or models. Exhibit 13 contains photographs of a representative Men's 5-in-1 Electric Shaver & Grooming Kit by AsaVea, along with the user manual. Exhibit 5A contains claim charts demonstrating how the Men's 5-in-1 Electric Shaver & Grooming Kit by AsaVea infringes the asserted independent claim of the '528 patent.

58. On information and belief, Bald Shaver's LK-1800 Shaver infringes the asserted claim of the '528 patent. Further discovery may reveal additional infringing Bald Shaver products and/or models. Exhibit 14 contains photographs of a representative LK-1800 Shaver, along with the user manual. Exhibit 5B contains claim charts demonstrating how the LK-1800 Shaver infringes the asserted independent claim of the '528 patent.

59. On information and belief, Suzhou Kaidiya's Kibiy Bald Head Shaver LED Mens Electric Shaving Razors by Digimator infringes the asserted claim of the '528 patent. Further discovery may reveal additional infringing Suzhou Kaidiya products and/or models. Exhibit 15 contains photographs of a representative Kibiy Bald Head Shaver LED Mens Electric Shaving Razor by Digimator, along with the user manual. Exhibit 5C contains claim charts demonstrating how the Kibiy Bald Head Shaver LED Mens Electric Shaving Razors by Digimator infringes the asserted independent claim of the '528 patent.

60. On information and belief, Shenzhen Aiweilai's Teamyo 5D Floating Deep Clean Head Shaver for Bald Men infringes the asserted claim of the '528 patent. Further discovery may reveal additional infringing Shenzhen Aiweilai products and/or models. Exhibit 16 contains photographs of a representative Teamyo 5D Floating Deep Clean Head Shaver for Bald Men,

along with the user manual. Exhibit 5D contains claim charts demonstrating how the Teamyo 5D Floating Deep Clean Head Shaver for Bald Men infringes the asserted independent claim of the '528 patent.

61. On information and belief, Wenzhou Wending's PaiTree 5 in 1 Head and Face Electric Rotary Shaver infringes the asserted claim of the '528 patent. Further discovery may reveal additional infringing Wenzhou Wending products and/or models. Exhibit 17 contains photographs of a representative PaiTree 5 in 1 Head and Face Electric Rotary Shaver, along with the user manual. Exhibit 5E contains claim charts demonstrating how the PaiTree 5 in 1 Head and Face Electric Rotary Shaver infringes the asserted independent claim of the '528 patent.

62. On information and belief, Shenzhen Nukun's OriHea 5 in 1 Head Shaver for Bald Men Electric Rotary Razor infringes the asserted claim of the '528 patent. Further discovery may reveal additional infringing Shenzhen Nukun products and/or models. Exhibit 18 contains photographs of a representative OriHea 5 in 1 Head Shaver for Bald Men Electric Rotary Razor, along with the user manual. Exhibit 5F contains claim charts demonstrating how the OriHea 5 in 1 Head Shavers for Bald Men Electric Rotary Razor infringes the asserted independent claim of the '528 patent.

63. On information and belief, Yiwu Xingye's Roziapro Electric Razor for Men 6 in 1 Bald Head Shaver infringes the asserted claims of the '528 patent. Further discovery may reveal additional infringing Yiwu Xingye products and/or models. Exhibit 19 contains photographs of a representative Roziapro Electric Razor for Men 6 in 1 Bald Head Shaver, along with the user manual. Exhibit 5G contains claim charts demonstrating how the Roziapro Electric Razor for Men 6 in 1 Bald Head Shaver infringes the asserted independent claims of the '528 patent.

64. On information and belief, Magicfly's Rechargeable Waterproof Shaver for Women infringes the asserted claim of the '528 patent. Further discovery may reveal additional infringing Magicfly products and/or models. Exhibit 20 contains photographs of a representative Magicfly Rechargeable Waterproof Shaver for Women, along with the user manual. Exhibit 5H contains claim charts demonstrating how the Magicfly Rechargeable Waterproof Shaver for Women infringes the asserted independent claim of the '528 patent.

65. On information and belief, Yiwu City's Surker 6 in 1 Electric Shaver for Men Bald Head infringes the asserted claims of the '528 patent. Further discovery may reveal additional infringing Yiwu City products and/or models. Exhibit 21 contains photographs of a representative Surker 6 in 1 Electric Shaver for Men Bald Head, along with the user manual. Exhibit 5I contains claim charts demonstrating how the Surker 6 in 1 Electric Shaver for Men Bald Head infringes the asserted independent claims of the '528 patent.

66. On information and belief, Shenzhen Wantong's Electric Razor Grooming Kit for Men 4 in 1 Dry Wet Waterproof Rotary Bald Head Shaver by WTONG infringes the asserted claim of the '528 patent. Further discovery may reveal additional infringing Shenzhen Wantong products and/or models. Exhibit 22 contains photographs of a representative Electric Razor Grooming Kit for Men 4 in 1 Dry Wet Waterproof Rotary Bald Head Shaver by WTONG, along with the user manual. Exhibit 5J contains claim charts demonstrating how the Electric Razor Grooming Kit for Men 4 in 1 Dry Wet Waterproof Rotary Bald Head Shaver by WTONG infringes the asserted independent claim of the '528 patent.

67. On information and belief, Shenzhen Junmao's Homeasy Men Electric Razor Bald Head Shaver infringes the asserted claim of the '528 patent. Further discovery may reveal additional infringing Shenzhen Junmao products and/or models. Exhibit 23 contains

photographs of a representative Homeasy Men Electric Razor Bald Head Shaver, along with the user manual. Exhibit 5K contains claim charts demonstrating how the Homeasy Men Electric Razor Bald Head Shaver infringes the asserted independent claim of the '528 patent.

68. On information and belief, the Respondents contribute to the infringement of the asserted claims of the '528 patent by importing shaver head replacement parts such as blades which have no substantial non-infringing use other than to be attached to and used with the infringing Electric Shavers. For example, Exhibit 24 shows how at least Respondents Rayenbarny, Bald Shaver, Shenzhen Aiweilai, Wenzhou Wending, Shenzhen Nukun, Yiwu Xingye, Magicfly, and Shenzhen Junmao offer replacement parts such as blades for sale to customers in the United States, often advertised with or linked to the sales pages of the infringing Electric Shavers. The Respondents are on notice of Skull Shaver's rights in the '528 patent and the Respondents' infringement thereof based on the patent marking Skull Shaver includes on its product packaging and on its company website, and further based on at least the filing and service of this Complaint. On information and belief, Respondents are aware of the patent marking Skull Shaver includes on its product packaging and on its company website based on Respondents' manufacture, use, sale, offer for sale, and/or importation of knock-off Electric Shavers. By continuing to make, use, import, sell, and offer to sell the infringing Accused Products, as least after becoming aware of the patent marking Skull Shaver includes on its product packaging and on its company website, and being served with this Complaint, Respondents are proceeding with clear knowledge that the Accused Products discussed above are especially made or especially adapted for use in the infringement of the '528 patent.

69. On information and belief, Respondents induce infringement of the '528 patent by, for example, encouraging customers in the United States to attach and use the imported

shaver head replacement parts such as blades with the Electric Shaver housing to become a complete, usable, infringing Electric Shaver device. When Respondents sell and/or import the Accused Products, Respondents specifically intend for customers and end users to directly infringe the asserted claims of the '528 patent. Therefore, Respondents induce their customers to infringe the '528 patent. The Respondents are on notice of Skull Shaver's rights in the '528 patent and the Respondents' infringement thereof based on the patent marking Skull Shaver includes on its product packaging and on its company website, and further based on at least the filing and service of this Complaint. On information and belief, Respondents are aware of the patent marking Skull Shaver includes on its product packaging and on its company website based on Respondents' manufacture, use, sale, offer for sale, and/or importation of knock-off Electric Shavers. By continuing to sell the infringing Accused Products, at least after becoming aware of the patent marking Skull Shaver includes on its product packaging and on its company website, and being served with this Complaint, Respondents are proceeding with clear knowledge that the Accused Products are covered by the asserted claimed of the '528 patent, or at a minimum have willfully blinded themselves to the asserted claimed of the '528 patent and the infringing nature of the Accused Products.

70. Skull Shaver reserves all rights to supplement its allegations to identify additional products that infringe the claims of the '528 patent, and to amend its existing infringement contentions as Skull Shaver continues its analysis and obtains discovery from Respondents.

**B. Infringement of the '504 patent**

71. On information and belief, Yiwu Xingye's Roziapro Electric Razor for Men 6 in 1 Bald Head Shavers infringe the '504 patent. Further discovery may reveal additional infringing Yiwu Xingye products and/or models. Exhibit 19 contains photographs of a representative Roziapro Electric Razor for Men 6 in 1 Bald Head Shaver along with the user manual. Exhibit

6A contains claim charts demonstrating how the Roziapro Electric Razor for Men 6 in 1 Bald Head Shavers infringe the asserted '504 patent.

72. On information and belief, Yiwu City's Surker 6 in 1 Electric Shavers for Men Bald Head infringe the asserted claims of the '504 patent. Further discovery may reveal additional infringing Yiwu City products and/or models. Exhibit 21 contains photographs of a representative Surker 6 in 1 Electric Shaver for Men Bald Head along with the user manual. Exhibit 6B contains claim charts demonstrating how the Surker 6 in 1 Electric Shavers for Men Bald Head infringe the asserted '504 patent.

73. Skull Shaver reserves all rights to supplement its allegations to identify additional products that infringe the '504 patent, and to amend its existing infringement contentions as Skull Shaver continues its analysis and obtains discovery from Respondents.

## **VI. INSTANCES OF UNFAIR IMPORTATION AND SALE**

### **A. Rayenbarny**

74. Complainants purchased a representative Rayenbarny Men's 5-in-1 Electric Shaver & Grooming Kit by AsaVea in the United States. Exhibit 10A contains an invoice indicating the product was purchased in the United States. Labels on the device and/or product packaging for the representative Rayenbarny Men's 5-in-1 Electric Shaver & Grooming Kit by AsaVea indicate that the accused product was manufactured in China. Exhibit 13 also contains photographs of the product packaging for the Rayenbarny Men's 5-in-1 Electric Shaver & Grooming Kit by AsaVea reflecting that it was made in China.

### **B. Bald Shaver**

75. Complainants purchased a representative Bald Shaver LK-1800 Shaver in the United States. Exhibit 10B contains an invoice indicating the product was purchased in the United States. Labels on the device and/or product packaging for the representative Bald Shaver

LK-1800 Shaver indicate that the accused product was manufactured in China. Exhibit 14 also contains photographs of the product packaging for the Bald Shaver LK-1800 Shaver reflecting that it was made in China.

**C. Suzhou Kaidiya**

76. Complainants purchased a representative Suzhou Kaidiya Kibiy Bald Head Shaver LED Mens Electric Shaving Razor by Digimotor in the United States. Exhibit 10C contains an invoice indicating the product was purchased in the United States. Labels on the device and/or product packaging for the representative Suzhou Kaidiya Kibiy Bald Head Shaver LED Mens Electric Shaving Razor by Digimotor indicate that the accused product was manufactured in China. Exhibit 15 also contains photographs of the product packaging for the Suzhou Kaidiya Kibiy Bald Head Shaver LED Mens Electric Shaving Razor by Digimotor reflecting that it was made in China.

**D. Shenzhen Aiweilai**

77. Complainants purchased a representative Shenzhen Aiweilai Teamyo 5D Floating Deep Clean Head Shaver for Bald Men in the United States. Exhibit 10D contains an invoice indicating the products were purchased in the United States. Labels on the devices and/or product packaging for the representative Shenzhen Aiweilai Teamyo 5D Floating Deep Clean Head Shaver for Bald Men indicate that the accused products were manufactured in China. Exhibit 16 also contains photographs of the product packaging for the Shenzhen Aiweilai Teamyo 5D Floating Deep Clean Head Shaver for Bald Men reflecting that they were made in China.

**E. Wenzhou Wending**

78. Complainants purchased a representative Wenzhou Wending PaiTree 5 in 1 Head and Face Electric Rotary Shaver in the United States. Exhibit 10E contains an invoice indicating

the product was purchased in the United States. Labels on the device and/or product packaging for the representative Wenzhou Wending PaiTree 5 in 1 Head and Face Electric Rotary Shaver indicate that the accused product was manufactured in China. Exhibit 17 also contains photographs of the product packaging for the Wenzhou Wending PaiTree 5 in 1 Head and Face Electric Rotary Shaver reflecting that it was made in China.

**F. Shenzhen Nukun**

79. Complainants purchased a representative Shenzhen Nukun OriHea 5 in 1 Head Shavers for Bald Men Electric Rotary Razor in the United States. Exhibit 10F contains an invoice indicating the product was purchased in the United States. Labels on the device and/or product packaging for the representative Shenzhen Nukun OriHea 5 in 1 Head Shavers for Bald Men Electric Rotary Razor indicate that the accused product was manufactured in China. Exhibit 18 also contains photographs of the product packaging for the Shenzhen Nukun OriHea 5 in 1 Head Shavers for Bald Men Electric Rotary Razor reflecting that it was made in China.

**G. Yiwu Xingye**

80. Complainants purchased a representative Yiwu Xingye Roziapro Electric Razor for Men 6 in 1 Bald Head Shaver in the United States. Exhibit 10G contains an invoice indicating the product was purchased in the United States. Labels on the device and/or product packaging for the representative Yiwu Xingye Roziapro Electric Razor for Men 6 in 1 Bald Head Shaver indicate that the accused product was manufactured in China. Exhibit 19 also contains photographs of the product packaging for the Yiwu Xingye Roziapro Electric Razor for Men 6 in 1 Bald Head Shaver reflecting that it was made in China.

**H. Magicfly**

81. Complainants purchased a representative Magicfly Rechargeable Waterproof Shaver for Women in the United States. Exhibit 10H contains an invoice indicating the product

was purchased in the United States. Labels on the device and/or product packaging for the representative Magicfly Rechargeable Waterproof Shaver for Women indicate that the accused product was manufactured in China. Exhibit 20 also contains photographs of the product packaging for the Magicfly Rechargeable Waterproof Shaver for Women reflecting that it was made in China.

**I. Yiwu City**

82. Complainants purchased a representative Yiwu City Surker 6 in 1 Electric Shavers for Men Bald Head in the United States. Exhibit 10I contains an invoice indicating the product was purchased in the United States. Labels on the device and/or product packaging for the representative Yiwu City Surker 6 in 1 Electric Shavers for Men Bald Head indicate that the accused product was manufactured in China. Exhibit 21 also contains photographs of the product packaging for the Yiwu City Surker 6 in 1 Electric Shavers for Men Bald Head reflecting that it was made in China.

**J. Shenzhen Wantong**

83. Complainants purchased a representative Shenzhen Wantong Electric Razor Grooming Kit for Men 4 in 1 Dry Wet Waterproof Rotary Bald Head Shaver by WTONG in the United States. Exhibit 10J contains an invoice indicating the product was purchased in the United States. Labels on the device and/or product packaging for the representative Shenzhen Wantong Electric Razor Grooming Kit for Men 4 in 1 Dry Wet Waterproof Rotary Bald Head Shaver by WTONG indicate that the accused product was manufactured in China. In fact, branding of the product and packaging includes the Surker name, which is the same brand sold by Respondent Yiwu City. Exhibit 22 also contains photographs of the product packaging for the Shenzhen Wantong Electric Razor Grooming Kit for Men 4 in 1 Dry Wet Waterproof Rotary Bald Head Shaver by WTONG reflecting that it was made in China.

**K. Shenzhen Junmao**

84. Complainants purchased a representative Shenzhen Junmao Homeasy Men Electric Razor Bald Head Shaver in the United States. Exhibit 10K contains an invoice indicating the product was purchased in the United States. Labels on the device and/or product packaging for the representative Shenzhen Junmao Homeasy Men Electric Razor Bald Head Shaver indicate that the accused product was manufactured in China. Exhibit 23 also contains photographs of the product packaging for the Shenzhen Junmao Homeasy Men Electric Razor Bald Head Shaver reflecting that it was made in China.

**VII. HARMONIZED TARIFF SCHEDULE INFORMATION**

85. Respondents' Electric Shavers are believed to fall within at least the following classifications of the Harmonized Tariff Schedules of the United States: Shavers, hair clippers and hair-removing appliances, with self-contained electric motor; parts thereof: Shavers, 8510.10.0000. This classification is intended for illustrative purposes only and is not intended to restrict the scope or type of accused product.

**VIII. RELATED LITIGATION**

86. U.S. Patent No. D672,504 is being asserted before the United States District Court for the Eastern District of Pennsylvania, in the case captioned *Skull Shaver, LLC v. Freedom Grooming*, (5:20-cv-03670-JFL), which was filed on July 28, 2020 and is currently pending.

87. The alleged unfair acts, or the subject matter thereof, are not and have not been the subject of any other court or agency litigation.

**IX. LICENSES**

88. There are no licenses under each involved Skull Shaver Patent.

## **X. DOMESTIC INDUSTRY**

### **A. Technical Prong**

89. Skull Shaver develops and sells in the United States the '528 Patent and '504 Patent Domestic Industry Products.<sup>7</sup> Skull Shaver develops and/or sells in the United States products that practice at least one claim of the Skull Shaver Patents. For example, the Pitbull Gold PRO Head and Face Shaver, which is representative of the involved domestic articles, practices at least one claim of Skull Shaver's Patents.<sup>8</sup> Exhibit 9 contains photographs of the Skull Shaver Pitbull Gold PRO Head and Face Shaver. Exhibits 7B and 8B contain claim charts demonstrating how the Skull Shaver Pitbull Gold PRO Head and Face Shaver practices the Skull Shaver Patents.<sup>9</sup>

### **B. Economic Prong**

90. Pursuant to 19 U.S.C. §§ 1337 (a)(2) and (3)(A), (B), and (C), an industry in the United States exists for each of the Skull Shaver Patents. With respect to articles protected by each Skull Shaver Patent, Skull Shaver has made significant investments in plant and equipment in the United States; significant employment of labor and capital in the United States; and substantial investment in product support and services.

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<sup>7</sup> Skull Shaver's portfolio of products that utilize the technology covered by the Skull Shaver Patents include the Pitbull Platinum PRO, Pitbull Gold PRO, Pitbull Silver PRO, Butterfly II Smart, Butterfly Kiss PRO, Butterfly Kiss, Bald Eagle, Trinity, and Palm. All of these products utilize technology covered by the '528 Patent (collectively the "'528 Patent Domestic Industry Products"). The Pitbull Platinum PRO, Pitbull Gold PRO, Pitbull Silver PRO, Bald Eagle, Trinity, and Palm products utilize technology covered by the '504 Patent (collectively the "'504 Patent Domestic Industry Products").

<sup>8</sup> The representative Pitbull Gold PRO Head and Face Shaver practices at least one claim of U.S. Patent No. 8,726,528 as well as U.S. Design Patent No. D672,504.

<sup>9</sup> Should the Commission desire to review or inspect physical exhibits of Skull Shaver's '528 Patent and '504 Patent Domestic Industry Products, Skull Shaver has made the products available and can provide them upon request.

91. Extensive investments are made in the United States related to the design and development of patented technology and the '528 Patent and '504 Patent Domestic Industry Products. Those investments directly relate to the Skull Shaver Patents. Skull Shaver's domestic design and development activities are focused on the patented technology itself (e.g. the development of an electric shaver for shaving hair on curved parts of the body. *See generally* Exhibit 1 at 1:5-13 ('528 patent)) and enable that patented technology to be incorporated into commercial products (e.g. Electric Shavers). There is a nexus between the claimed investments and the Asserted Patents because the investments relate to products that practice the Asserted Patents. *See* Confidential Exhibit 11 (DI Declaration).

92. Skull Shaver conducts significant domestic industry activities in the United States relating to products practicing the Skull Shaver Patents. These activities include Skull Shaver's investment in plant and equipment, employment of labor and capital, and substantial investment in the exploitation of the Skull Shaver Patents and the investments in these activities. *See* Confidential Exhibit 11.

93. Skull Shaver has made and continues to make significant investments in facilities and equipment in the United States dedicated to the development, design, product support, and warranty service for the '528 Patent and '504 Patent Domestic Industry Products. The facilities and equipment used in connection with the Domestic Industry Products are located in New Jersey. Skull Shaver's investment in facilities and equipment is set forth in Confidential Exhibit 11.

94. Skull Shaver's headquarters is located at 1503 Glen Avenue, Suite 160, Moorestown, New Jersey 08057, in an approximately 6,000 square foot facility that Skull Shaver rents. *See* Confidential Exhibit 11. This facility is pictured below:



95. Skull Shaver has committed to renting a second facility located at 751 Hylton Road, Pennsauken, New Jersey 08110, beginning November 1, 2020. This second 16,190 square foot location will house both office and warehouse space to accommodate Skull Shaver's growing operations. This second location is pictured below:



96. Skull Shaver has employed and continues to employ a significant number of employees in its New Jersey facilities that devote substantial person-hours toward the development, design, product support, and warranty service associated with the '528 Patent and '504 Patent Domestic Industry Products. Confidential Exhibit 11 describes this labor investment.

97. Skull Shaver has invested and continues to invest significant capital in its facilities toward development, design, product support, and warranty service for the '528 Patent and '504 Patent Domestic Industry Products. Confidential Exhibit 11 describes the capital Skull Shaver has expended toward these activities.

98. Skull Shaver has made and continues to make substantial investments in the exploitation of its rights in the Skull Shaver Patents. For example, Skull Shaver has invested and continues to invest in the development and design of the '528 Patent and '504 Patent Domestic Industry Products. Confidential Exhibit 11 sets forth a portion of Skull Shaver's significant investment associated with the exploitation of Skull Shaver's rights in the Skull Shaver Patents.

## **XI. REQUESTED EXCLUSION ORDERS**

### **A. General Exclusion Order**

99. Pursuant to 19 U.S.C. § 1337(d)(2)(A), should the ITC find a violation of Section 337, Skull Shaver seeks a general exclusion order to exclude all Electric Shavers that infringe one or more claims of the Skull Shaver '528 patent. Issuance of a general exclusion order is appropriate because it is necessary to prevent circumvention of an exclusion order limited to products of the named Respondents and/or to remedy a pattern of violation of Section 337 and it is difficult to identify the source of accused products.

100. This is a textbook case for a general exclusion order. Facts alleged in this Complaint and likely to be established through discovery demonstrate several grounds for issuance of a GEO, such as Skull Shaver's establishment of a growing market for innovative and aesthetically pleasing electric shavers that were followed to market by the accused products, which include knock-offs and counterfeits that are imported and sold by various foreign entities both directly and indirectly, making the sources of these products often hard to identify. There are numerous entities located outside the United States that offer for sale on the Internet various

Electric Shavers that infringe Skull Shaver's '528 patent. Although Skull Shaver has succeeded in building a market for premium shaver electric shaver products, the nature of these products and the components from which they are assembled lend themselves to foreign manufactures being able to quickly and easily configure their factories to produce lower quality, infringing products.

101. These infringing counterfeits are in direct competition with Skull Shaver in the domestic marketplace. For example, through Skull Shaver's own product pages on Amazon.com, potential Skull Shaver customers are targeted with sponsored marketing efforts directly aimed at promoting infringing products. Similarly, when searching for Skull Shaver products on Amazon.com, potential customers are presented with search results that include infringing knock-offs that are offered at considerably cheaper prices. Many of these infringing products appear nearly identical to Respondents' infringing product but are sold under different brand and selling company names:

4 stars and above Sponsored Page 4 of 10 Start over

 <p>Electric Razor for Men Electric Shaver Razor Men's Waterproof 5 in 1 Bald Hair Trimmer Cordless...</p> <p>391</p> <p><b>\$35.99</b> (\$35.99/Count)</p> <p>Save \$2.00 with coupon</p>	 <p>Electric Razor for Men 5 in 1 Rechargeable Electric Shaver Beard Trimmer Nose Hair Trimmer Bald...</p> <p>188</p> <p><b>\$39.99</b> (\$39.99/Count)</p>	 <p>Finishing Touch Flawless Legs Women's Hair Remover</p> <p>3,227</p> <p><b>\$39.99</b> (\$39.99/Count)</p>	 <p>Electric Razor For Men Bald Head Shaver 5 in 1 Electric Shaver Kit Cordless Hair Clippers Nose Hair...</p> <p>358</p> <p><b>\$29.99</b> (\$29.99/Count)</p>	 <p>OmniShaver Shave B - The BEST Shaving C for Head Arms Legs a Body - Head Shaving</p> <p>124</p> <p><b>\$15.99</b> (\$2.67/Our</p>
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Ad feedback

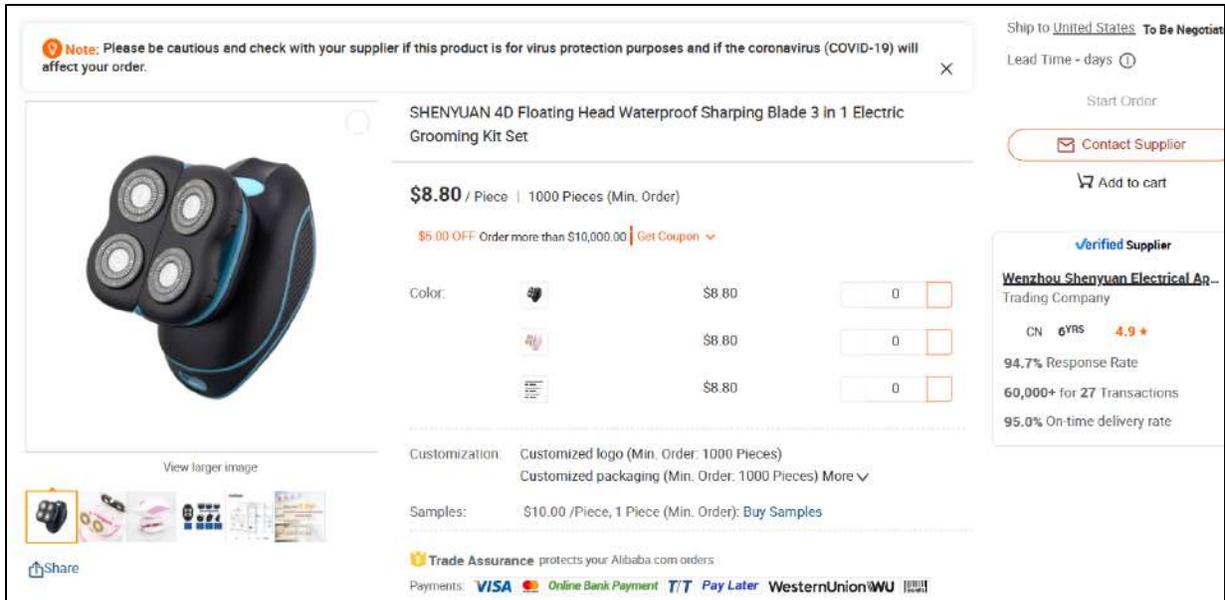
Sponsored products related to this item Page 6 of 34 Start over

 <p>Rozlapro Electric Razor for Men 5 in 1 Rotary Shavers Beard Trimmer Nose Hair Trimmer Wet and Dry...</p> <p>1,057</p> <p><b>\$37.99</b> (\$37.99/Count)</p>	 <p>Telfun 5-in-1 Electric Razor for Men, Wet&amp;Dry Rechargeable Mens Rotary Shavers, 4D Floating 5...</p> <p>225</p> <p><b>\$39.99</b> (\$39.99/Count)</p>	 <p>Bald Head Shavers for Men, OriHea 6-in-1 Electric Shaver &amp; Grooming Kit, Cordless and...</p> <p>83</p> <p><b>\$39.99</b> (\$39.99/Ounce)</p> <p>Save 5% with coupon</p>	 <p>Shavers for Bald Men, 5 in 1 Dry Wet Waterproof Head Shaver, Electric Razor, Rotary Shaver...</p> <p>112</p> <p><b>\$39.99</b> (\$39.99/Count)</p> <p>Save 10% with coupon</p>	 <p>Electric Razor for Wo Painless Leg Shaver t Remover for Leg Fac Body Arm Cordless B</p> <p>204</p> <p><b>\$28.99</b> (\$28.99/Co</p>
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See Amazon.com sponsored products suggested for Skull Shaver's Platinum PRO model shaver as of Aug. 10, 2020.<sup>10</sup>

102. Foreign entities easily saturate the domestic marketplace with infringing goods by selling discounted knock-offs and counterfeits over the Internet. The discount sales price is often offered in exchange for purchasing the products in large quantities. For example, the brand Shenyuan sells discounted electric shavers through Alibaba.com and requires a minimum purchase of 1,000 electric shavers. This method enables third parties to acquire large quantities of counterfeit goods for subsequent sales in the United States:

<sup>10</sup> [https://www.amazon.com/Skull-Shaver-Pitbull-Platinum-Electric/dp/B081B874K5/ref=sr\\_1\\_5?dchild=1&keywords=skull+shaver&qid=1599237536&sr=8-5](https://www.amazon.com/Skull-Shaver-Pitbull-Platinum-Electric/dp/B081B874K5/ref=sr_1_5?dchild=1&keywords=skull+shaver&qid=1599237536&sr=8-5)



See Alibaba.com Sales Page for Shenyuan Electric Shaver as of Aug. 11, 2020.<sup>11</sup>

103. A representative of Skull Shaver purchased a sample Shenyuan brand electric shaver from Alibaba.com and received a package shipped from China with no specific company branding. The shaver packaging indicated that it was manufactured in China by a company named Wenzhou Shenyuan Electrical Appliance Co., Ltd. A business card from who appeared to be a sales representative of the manufacturing company was affixed to the packaging. Moreover, the product received appeared to be nearly identical to the accused infringing Teamyo 5D Floating Deep Clean Head Shaver for Bald Men sold by respondent Shenzhen Aiweilai:

<sup>11</sup> [https://www.alibaba.com/product-detail/SHENYUAN-4D-Floating-Head-Waterproof-Sharping\\_62532552419.html?spm=a2700.icbuShop.41413.14.6c2521f1qqKGWP](https://www.alibaba.com/product-detail/SHENYUAN-4D-Floating-Head-Waterproof-Sharping_62532552419.html?spm=a2700.icbuShop.41413.14.6c2521f1qqKGWP)



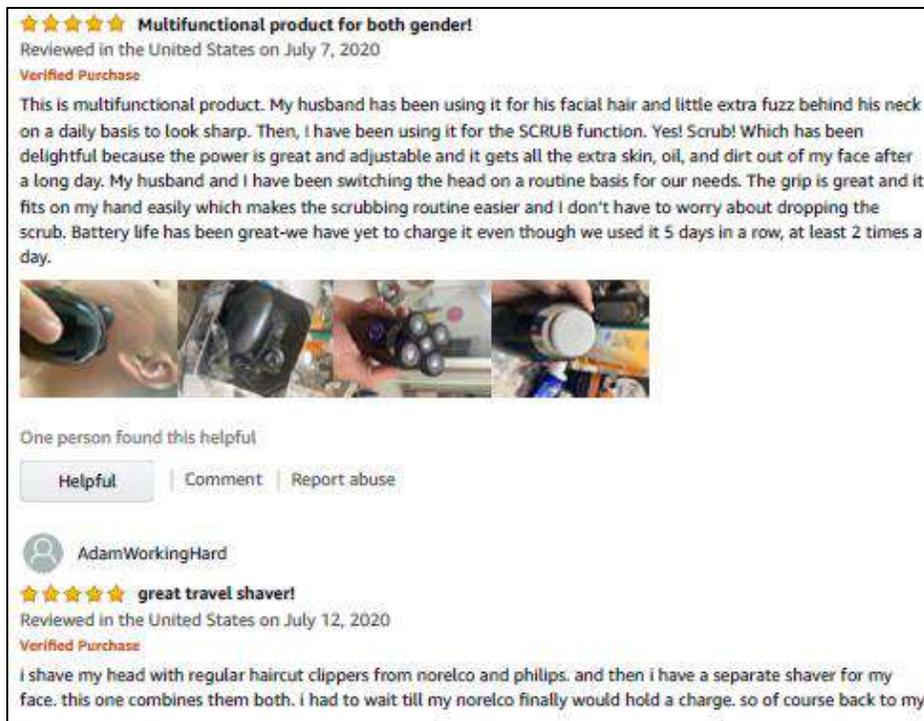
104. As a result of many foreign online sellers having large volume order minimum amounts, many of these products are sold anonymously over the Internet and by multiple different sellers and brands. Electric Shavers from brand “Belita Amy,” for example, appear to be sold by another entity through Amazon.com with company name “Big Lemon.” The seller page for “Big Lemon” further list other infringing shavers that are not associated with the “Belita Amy” brand:



See Amazon.com selling page for Belita Amy Men’s 5-in-1 Shaver as of Aug. 27, 2020.<sup>12</sup>

105. The large number of infringing products are available for sale in the United States through online retailers, and are being purchased and shipped to United States customers. For example, many of the infringing products include “Top reviews from the United States” on their pages, which include sometimes hundreds of verified customer reviews specifying that the product has been “Reviewed in the United States” on a particular date. For example, on the selling page for brand MaLife’s shaver:

<sup>12</sup> [https://www.amazon.com/Belita-Amy-Electric-Rechargeable-Floating/dp/B07PG8JG8Q/ref=sr\\_1\\_1?dchild=1&m=A6CRS1F5J8E3K&marketplaceID=ATVPDKIKX0DER&qid=1599237901&s=merchant-items&sr=1-1](https://www.amazon.com/Belita-Amy-Electric-Rechargeable-Floating/dp/B07PG8JG8Q/ref=sr_1_1?dchild=1&m=A6CRS1F5J8E3K&marketplaceID=ATVPDKIKX0DER&qid=1599237901&s=merchant-items&sr=1-1)



See Amazon.com selling page for MaLife Electric shaver as of Aug. 27, 2020.<sup>13</sup>

106. Further, a representative of Skull Shaver purchased an infringing Electric Shaver from Amazon.com, in which the brand was specified as “Carenoble” and the seller was specified by a different name, “Simplify Safe.” Upon receiving the package there was no return address information—the package shipped from an Amazon warehouse and the box containing the devices had no identifying address, no branding, and only a Chinese country of origin designation. Moreover, the product received appeared to be nearly identical to the accused infringing Homeasy Men Electric Razor Bald Head Shaver sold by respondent Shenzhen Junmao:

<sup>13</sup> [https://www.amazon.com/Electric-Cordless-Rechargeable-Waterproof-Cleansing/dp/B087882DT9/ref=sr\\_1\\_2\\_sspa?dchild=1&keywords=HEAD+SHAVER&qid=1594883175&sr=8-2-spons&psc=1&spLa=ZW5jcnlwdGVkUXVhbGlmaWVyPUEzSkVYTDIQSEhHR0cyJmVuY3J5cHRIZElkPUEwNjA4OTAyMkJSN1dPU0YyQTVKWiZlbnNyeXB0ZWRBZEIkPUExMDQ1MDEwMlpRN0ZDNE9lWjJQNCZ3aWRnZXROYW1lPjNwX2F0ZiZhY3Rpb249Y2xpY2tSZWRpcmVjdCZkb05vdExvZ0NsaWNrPXRydWU=](https://www.amazon.com/Electric-Cordless-Rechargeable-Waterproof-Cleansing/dp/B087882DT9/ref=sr_1_2_sspa?dchild=1&keywords=HEAD+SHAVER&qid=1594883175&sr=8-2-spons&psc=1&spLa=ZW5jcnlwdGVkUXVhbGlmaWVyPUEzSkVYTDIQSEhHR0cyJmVuY3J5cHRIZElkPUEwNjA4OTAyMkJSN1dPU0YyQTVKWiZlbnNyeXB0ZWRBZEIkPUExMDQ1MDEwMlpRN0ZDNE9lWjJQNCZ3aWRnZXROYW1lPjNwX2F0ZiZhY3Rpb249Y2xpY2tSZWRpcmVjdCZkb05vdExvZ0NsaWNrPXRydWU=)



107. Based on the lack of any identifying information beyond a name or country of origin designation, it is clear that manufacturers of these counterfeit electric shavers can easily change names and set up new online “storefronts” with retailers like Amazon to circumvent any limited exclusion order.

108. These counterfeit sellers often remove their product from Amazon before Skull Shaver is able to seek relief against them. Sellers such as HATTEKER sold infringing products on Amazon within the last year, but as of the filing of this Complaint, the same URL now specifies that the product is unavailable for sale. The sellers, such as HATTEKER, additionally removed the shaver products from their storefront pages:



See HATTEKER Amazon.com product page as of Aug. 18, 2020.<sup>14</sup>

109. Skull Shaver’s manufacturing partner located in China has been contacted by foreign companies in Asia requesting manufacture of large quantities of infringing shavers. In January 2018, Skull Shaver’s Chinese manufacturing partner forwarded to Skull Shaver’s President an email message it received from a “Sourcing Specialist” at Impact Products Ltd. located in Hong Kong. The email inquired about manufacturing terms for a half million infringing shavers it intended to supply “for the USA market.” The email message even attached specifications for the proposed shavers as well as sample photos, which were photos of Skull Shaver’s products, including products embodying the asserted patents. As of the filing of this Complaint, Impact Products Ltd. has no active selling presence of shaver products:

<sup>14</sup> [https://www.amazon.com/dp/B07BC87C7F/ref=twister\\_dp\\_update?ie=UTF8&psc=1&m=](https://www.amazon.com/dp/B07BC87C7F/ref=twister_dp_update?ie=UTF8&psc=1&m=)

This is Weng from Impact Products Ltd, Our company is one of the leading suppliers of As Seen on TV products for the USA market. With our distribution partners we market and distribute through TV commercials and to all the major retail stores including Wal-Mart and Target. Our successful marketing campaigns have sold millions of units of a single product.

We are now working on a new project of "Shaver", and looking for best supplier for the following item:

- Attached our sample photos and specification
- Order Quantity: 250,000 pcs / 500,000 pcs

**4 attachments**



**image001.png**  
15K



**Shaver 1.jpg**  
24K



**Shaver 2.jpg**  
28K



See Confidential Exhibit 11 (DI Declaration), Exhibit A.

110. In fact, Skull Shaver itself has been contacted by foreign companies in China offering to manufacture infringing products for Skull Shaver. In August 2017, the President of Skull Shaver received an email message from a salesperson at Wenzhou iCare Electric Co., Ltd. in Wenzhou, China offering Skull Shaver “new products” that were “now com[ing] out,” and including images of Skull Shaver’s own patented and available products, including the products embodying the asserted patents. As of the filing of this Complaint, the Wenzhou iCare company does not appear to be offering infringing electric shavers for sale:



*See Confidential Exhibit 11 (DI Declaration), Exhibit B.*

111. Given the large number of importers importing the infringing devices under a wide variety of names and aliases, it is difficult, if not impossible, for Skull Shaver to determine which of these companies have stopped importing infringing goods, and which have simply rebranded themselves and their products to continue importing the same infringing goods under new aliases

112. Unless a general exclusion order is issued, relief to Skull Shaver will be wholly inadequate. While Skull Shaver has attempted to identify sources of infringing counterfeits, it is impossible to identify all sources given the anonymity with which counterfeiters do business through online retailers. The counterfeit problem faced by Skull Shaver is widespread as evidenced by the number of sources of infringing goods. *See, e.g.*, Exhibit 25 (Internet Sales Listings of Infringing Devices with Large Quantity Order Minimums); Exhibit 26 (Internet Sponsored Advertisements of Infringing Devices Targeted to Users Searching for Skull Shaver® Products); Exhibit 12 (Respondent and Accused Products list).

113. Moreover, the public interest factors enumerated in 19 U.S.C. § 1337(d) do not preclude issuance of a general exclusion order. Precluding the availability of foreign infringing counterfeit products would not have a negative effect upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers. Skull Shaver's patented electric shavers are premium electric shaver products and non-infringing competitive alternatives are readily available to U.S. consumers. This includes vertical handle and upright handheld electric shavers which do not incorporate Skull Shaver's patented innovations.

**B. Limited Exclusion Order**

114. Pursuant to 19 U.S.C. § 1337(d)(2), to the extent that a general exclusion order is not issued in this matter, Skull Shaver respectfully requests that a limited exclusion order be entered against each named Respondent and its subsidiaries, predecessors, affiliates, agents, successors, and assigns<sup>15</sup> in order to remedy Respondents' violation of Section 337 and to prevent such future violations by Respondents.

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<sup>15</sup> Including but not limited to all respondent entities identified in Section II.B. of this Complaint.

115. Additionally, Skull Shaver respectfully requests that a limited exclusion order be entered again against each named Respondent and its subsidiaries, predecessors, affiliates, agents, successors, and assigns found to import, sell for importation, or sell within the United States after importation, articles that infringe Skull Shaver's '504 patent.

**C. Imposition of a Bond During the Presidential Review Period**

116. It is appropriate to impose a bond upon importations of Respondents' infringing Electric Shavers during the Presidential Review Period following the issuance of any exclusion order in this investigation. Such a bond would prevent injury to Skull Shaver and its domestic industry relating to the Skull Shaver Patents during this period.

**D. Cease & Desist Order**

117. Pursuant to 19 U.S.C. § 1337(f), which provides that the Commission may issue a cease and desist order against any person violating Section 337 in addition to exclusion orders issued under § 1337(d), cease and desist orders against all Respondents are appropriate. At least for the foregoing reasons, cease and desist orders are appropriate to remedy, and to prevent, the widespread violation of Skull Shaver's patent rights due to Respondents' maintenance of commercially significant domestic inventory of infringing Respondents' Electric Shavers.

**XII. RELIEF REQUESTED**

118. WHEREFORE, by reason of the foregoing, Skull Shaver respectfully requests that the United States International Trade Commission:

- a. Institute an immediate investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(a)(1)(B)(i) and 1337(b)(1), with respect to violation of Section 337 by Respondents based upon their sale for importation, importation, and/or sale after importation into the United States of Electric Shavers and their components and accessories

that infringe the Skull Shaver Patents, including products covered by one or more claims of the Skull Shaver Patents;

- b. Schedule and conduct a hearing pursuant to Section 337(c) for receiving evidence and hearing argument concerning said unlawful acts and related permanent relief;
- c. Issue a permanent general exclusion order, pursuant to 19 U.S.C. § 1337(d), excluding from entry into the United States all Electric Shavers and their components and accessories that infringe Skull Shaver's '528 patent, including products covered by one or more claims of Skull Shaver's '528 patent; or, in the alternative, issue a permanent limited exclusion order specifically directed to each named Respondent and its subsidiaries, predecessors, affiliates, agents, successors, and assigns,<sup>16</sup> excluding from entry into the United States all Respondents' Electric Shavers and their components and accessories that infringe one or more claims of the Skull Shaver Patents;
- d. Issue permanent cease and desist orders against each named Respondent, pursuant to 19 U.S.C. § 1337(f), prohibiting the importation, sale for importation, use, offering for sale, sale after importation, inventory for distribution, distribution, licensing, or otherwise transferring within the United States, Respondents' Electric Shavers and their components and accessories that infringe one or more Skull Shaver Patents, including products covered by one or more claims of the Skull Shaver Patents;

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<sup>16</sup> Including but not limited to all respondent entities identified in Section II.B. of this Complaint.

- e. Impose a bond upon Respondents' importation of infringing Electric Shavers and their components and accessories during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j) to prevent further injury to Skull Shaver's domestic industry relating to the Skull Shaver Patents;
- f. Grant such other and further relief as the Commission deems just and proper based on the facts determined by the investigation and the authority of the Commission.

Dated: October 13, 2020

Respectfully submitted,

FISH & RICHARDSON P.C.

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*Counsel for Complainant Skull Shaver, LLC*

## VERIFICATION OF COMPLAINT

I, Neel Kulshreshtha, declare, in accordance with 19 C.F.R. §§ 210.4 and 210.12(a), as follows:

1. I am Neel Kulshreshtha of Skull Shaver, LLC, and I am duly authorized to sign this Complaint;
2. I have read the Complaint and I am aware of its contents;
3. The Complaint is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
4. To the best of my knowledge, information, and belief founded upon reasonable inquiry, the claims and legal contentions of the Complaint are warranted by existing law or a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and
5. The allegations and other factual contentions made in the Complaint have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



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Neel Kulshreshtha  
President and CEO  
Skull Shaver, LLC