

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

In the Matter of

Investigation

No. 337-TA-___

CERTAIN ELECTRONIC HAND-
HELD PULSE MASSAGERS AND COMPONENTS THEREOF

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

Complainant:

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Pleasanton, CA 94566
Tel. (925) 225-0888

Proposed Respondents:

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Tustin, CA, 92780
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BeautyKo LLC
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Great Neck, NY 11021
Tel. (516) 441-5290

Bia Health Technologies Ltd. d/b/a
Mapleaf
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Ontario, Canada
Tel. (888) 242-4002

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14625 Clark Avenue
City of Industry, CA 91745
Tel. (626) 336-2299

TruCore Distributors, Inc.
627 Horseblock Road
Farmingville, NY 11738
Tel. (888) 264-1766

SIM Trading Corporation
2100 E. HALLANDALE BEACH BLVD
#101A
Halladale, FL 33009
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LIST OF EXHIBITS

LIST OF NON-CONFIDENTIAL EXHIBITS

No.	Description
1	Certified copy of U.S. Patent No. D666161
2	Federal Trademark Registration for “Prospera”
3	Food and Drug Administration 510(K) approval of the Prospera PL009 Electronic Pulse Massager
4	Picture of the true, patented Prospera product
5	Picture of Respondent Sanjay Gupta d/b/a Santa Medical’s infringing product
6	Picture of Respondent BeautyKo LLC’s infringing product
7	Picture of Respondent Bia Health Technologies Ltd. d/b/a Mapleaf’s infringing product
8	Picture of Respondent Sunpentown International, Inc.’s infringing product
9	Picture of Respondent TruCore Distributors, Inc.’s infringing product
10	Picture of Respondent K.S. Choi, Corporation’s infringing product
11	Picture of Respondent Sanjay Gupta d/b/a Santa Medical’s infringing product on www.groupon.com, with over 5,000 sales
12	Declaration of Jane Ding describing the display of infringing products within the United States
13	Jane Ding’s Declaration on Prospera’s direct and indirect employment in the US
14	Amazon Mapleaf product reviews
15	Prospera’s PL009 operation/instruction manual

LIST OF CONFIDENTIAL EXHIBITS

No.	Description
16	CONFIDENTIAL: Exclusive Patent License Agreement of Patent No. D666161 between the inventors and Prospera Corporation
17	CONFIDENTIAL: Claim chart re: Prospera’s production capacity
18	CONFIDENTIAL: Warning letter to East Coast Discounter – August 16, 2013
19	CONFIDENTIAL: Warning letter to Amazon – September 9, 2013
20	CONFIDENTIAL: Prospera’s 2012 Federal Tax Return

I. INTRODUCTION

1.1 This complaint is filed by Prospera Corporation (“Prospera”) pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C., §1337 (“Section 337”). Prospera is a corporation that develops high quality, innovative, affordable massage products – from massage chairs to handheld massagers – for active people of all ages.

1.2 Prospera brings this action to remedy violations of Section 337 arising from the unlawful and unauthorized importation into the United States, the sale for importation, and or the sale within the United States after importation of certain electronic pulse massagers and components thereof that directly infringe the claim of U.S. Patent No. D666161. Certified copies of the asserted patent is attached as Exhibit 1 in accordance with 19 CFR §210.12(a)(9)(i).

1.3 The proposed respondents are Sanjay Gupta d/b/a Santa Medical, BeautyKo LLC, Bia Health Technologies d/b/a Mapleaf, Sunpentown International, Inc. d/b/a SPT, TruCore Distributors, Inc., SIM Trading Corporation, and K.S. Choi, Corporation (“Respondents”).

1.4 An industry in the United States exists relating to articles covered by the asserted patent.

1.5 Prospera seeks, as relief, a permanent limited exclusion order barring from entry into the United States certain electronic hand-held pulse massagers and components thereof that infringe the asserted patent (Exhibit 1). Prospera also seeks as relief cease and desist orders prohibiting the importation, sale, offer for sale, advertising, or the soliciting of the sale of certain electronic hand-held pulse massagers and components thereof (hereinafter collectively referred to as the “accused products”) that infringe the asserted patent (Exhibit 1). Further, Prospera requests that the commission impose a bond upon the Respondents’ importation of the infringing products during the 60-day Presidential review period pursuant to 19 U.S.C. §1337(j) to prevent

further injury to Prospera's domestic industry related to the asserted patent (Exhibit 1).

II. COMPLAINANT PROSPERA CORPORATION

2.1 Complainant Prospera Corporation ("Prospera") is a California corporation located in Pleasanton, California. It develops high quality, innovative, affordable massage products for active people of all ages.

2.2 Prospera's sales and marketing teams include 27 employees. Prospera made over one million dollars in 2012 selling its massage products (Confidential Exhibit 20). Prospera is the exclusive Licensee of the US Patent No. D666161, which was licensed by the inventors Megan Zhu, Jian Ding, and Yubo Ding (Confidential Exhibit 16). The US Patent No. D666161 is directly at-issue in this investigation. Prospera invests over one million dollars in research and development and in its plant, equipment, and personnel to manufacture electronic hand-held massagers and components thereof that practice its patented technology.

2.3 Prospera is a leader in developing and manufacturing personal massage devices. Prospera's electronic hand-held pulse massagers PL009 and PL009A use the US Patent No. D666161. More importantly, Prospera has been granted 510(K) approval by US FDA for its PL009 and PL009A products.

III. PROPOSED RESPONDENTS

3.1 There are seven respondents mentioned in this complaint. Each respondent has produced infringing products outside of the United States (produced products in Ningbo Lifeforce Electrical Appliance Co. Ltd. (Life Force) and Shenzhen Jungkehui Electronic Co., Ltd. and sold those products within the United States.

3.2 Sanjay Gupta d/b/a Santa Medical is a business with a principal place of business at 2522 Chambers Road, Suite 100, Tustin, CA 92780. On information and belief, Sanjay Gupta

d/b/a Santa Medical manufactures electronic hand-held pulse massagers and components thereof that are sold in the United States. On information and belief, the infringing massagers and components thereof at issue in this Complaint are manufactured by or on behalf of Sanjay Gupta d/b/a Santa Medical in Ningbo, China and Shenzhen, China and are imported into the United States, sold for importation, and/pr sold within the United States after importation by a distributor and/or agent of Sanjay Gupta d/b/a Santa Medical. On information and belief, Sanjay Gupta d/b/a Santa Medical does not have FDA's 510(K) approval on its infringing product.

3.3 BeautyKo LLC is a limited liability company organized under the laws of State of New York with a principal place of business at 57 Watermill Lane 57, Great Neck, NY 11021. On information and belief, BeautyKo LLC manufactures electronic hand-held pulse massagers and components thereof that are sold in the United States. On information and belief, the infringing massagers and components thereof at issue in this Complaint are manufactured by or on behalf of BeautyKo LLC in Ningbo, China and Shenzhen, China and are imported into the United States, sold for importation, and/pr sold within the United States after importation by a distributor and/or agent of BeautyKo LLC. On information and belief, BeautyKo LLC does not have FDA's 510(K) approval on its infringing product.

3.4 Bia Health Technologies Ltd. d/b/a Mapleaf or Bia Health is a limited liability company based in Toronto, Canada. The principal place of business is at 2727 Steeles Ave West #404 Toronto, Ontario, Canada. On information and belief, Bia Health manufactures electronic hand-held pulse massagers and components thereof that are sold in the United States. On information and belief, the infringing massagers and components thereof at issue in this Complaint are manufactured by or on behalf of Bia Health in Shenzhen, China and are imported into the United States, sold for importation, and/or sold within the United States after importation

by a distributor and/or agent of Bia Health. On information and belief, Bia Health Technologies Ltd. does not have FDA's 510(K) approval on its infringing product.

3.5 Sunpentown International, Inc. d/b/a SPT is a corporation organized under the laws of State of California, with a principal place of business at 14625 Clark Avenue, City of Industry, CA, 91745. On information and belief, Sunpentown International, Inc. manufactures electronic hand-held pulse massagers and components thereof that are sold in the United States. On information and belief, the infringing massagers and components thereof at issue in this Complaint are manufactured by or on behalf of Sunpentown International, Inc. in Ningbo, China and Shenzhen, China and are imported into the United States, sold for importation, and/pr sold within the United States after importation by a distributor and/or agent of Sunpentown International, Inc.. On information and belief, Sunpentown International, Inc. does not have FDA's 510(K) approval on its infringing product.

3.6 TruCore Distributors, Inc. d/b/a TruMedic is a corporation organized under the laws of State of New York, with a principal place of business at 627 Horseblock Road, Farmingville, NY 11738. On information and belief, TruCore Distributors, Inc. manufactures electronic hand-held pulse massagers and components thereof that are sold in the United States. On information and belief, the infringing massagers and components thereof at issue in this Complaint are manufactured by or on behalf of TruCore Distributors, Inc. in Ningbo, China and Shenzhen, China and are imported into the United States, sold for importation, and/pr sold within the United States after importation by a distributor and/or agent of TruCore Distributors, Inc.. On information and belief, TruCore Distributors, Inc. does not have FDA's 510(K) approval on its infringing product.

3.7 SIM Trading Corporation is a corporation organized under the laws of State of

Florida with principal places of business at 2100 E. HALLANDALE BEACH BLVD #101A, Halladale, FL 33009. On information and belief, SIM Trading Corporation manufactures electronic hand-held pulse massagers and components thereof that are sold in the United States. On information and belief, the infringing massagers and components thereof at issue in this Complaint are manufactured by or on behalf of SIM Trading Corporation in Ningbo, China and Shenzhen, China and are imported into the United States, sold for importation, and/pr sold within the United States after importation by a distributor and/or agent of SIM Trading Corporation. On information and belief, SIM Trading Corporation does not have FDA's 510(K) approval on its infringing product.

3.8 K.S. Choi, Corporation is a corporation organized under the laws of State of California, with a principal place of business at 179 W 39th Street, Los Angeles, CA 90037. On information and belief, K.S. Choi, Corporation manufactures electronic hand-held pulse massagers and components thereof that are sold in the United States. On information and belief, the infringing massagers and components thereof at issue in this Complaint are manufactured by or on behalf of K.S. Choi, Corporation in Ningbo, China and Shenzhen, China and are imported into the United States, sold for importation, and/pr sold within the United States after importation by a distributor and/or agent of K.S. Choi, Corporation. On information and belief, K.S. Choi, Corporation does not have FDA's 510(K) approval on its infringing product.

3.9 Each of the above listed seven respondents has manufactured, imported, and sold products that directly infringe upon Prospera's D666161 patent. None of the respondents has ever been granted 510(K) approval by US FDA. The infringing products hit the market in early 2012, well after the Prospera product had begun its sales. Prospera requests that Respondents cease production and sales of these products within the United States, because innocent buyers

cannot even tell the difference between the infringing products and the Prospera model (Exhibit 14).

3.10 Prospera warned Respondent K.S. Choi, Corporation of its infringing behavior, and K.S. Choi, Corporation temporarily relieved the problem by ceasing all sales on www.amazon.com. K.S. Choi, Corporation however failed to remove all infringing products from its own website, www.goacuzone.com. Copies of this letter can be seen in Confidential Exhibit 18.

3.11 Prospera has also issued multiple letters, beginning in August, 2013, to www.amazon.com, requesting that Amazon remove all infringing products from its website, but Amazon has yet to do so (Confidential Exhibit 19). Amazon responded to those letters by informing Prospera that, as of the time of the filing of this complaint, it had not yet sent out warnings to Respondents. Likely to prove inadequate to resolve the issue, this Complaint is necessary.

3.12 After Respondents failed to cease and desist with all sales of any and all electronic hand-held pulse massagers and components thereof directly infringing upon patent D666161, Prospera was left with no choice but to ask this Commission to intervene and halt the importation and sales of all infringing products.

IV. THE PRODUCTS AT ISSUE

4.1 The products at issue are electronic hand-held pulse massagers and components thereof. These products help relieve muscle tension and release stress and back pain caused by today's active lifestyle. Prospera has been developing and providing state-of-the-art massage products for active people for over a decade.

4.2 The Prospera PL009 model comes with a hand-held device which controls the

speed, timing and pressure of the massager, as well as four pads which can be stuck onto the body at different locations, to create the massaging sensation. Each of the seven Respondents manufactures electronic hand-held pulse massagers and components thereof, similar, if not identical, to the Prospera PL009 model. On information and belief, the Respondents manufacture these devices in Ningbo and Shenzhen, China, and import and sell them in the United States.

4.3 The electronic hand-held pulse massagers and components thereof manufactured by each of the Respondents include a variety of features that infringe on the claim of the asserted US Patent No. D666161. These infringing devices' bodies are substantially same as Prospera's patented products. While the color of the device or model number may not be identical to the Prospera's products, each infringing device has the claimed features of Prospera's patent products.

4.4 Exhibit 3 is a copy of the FDA's 510(K) approval (case No. K122744) granted to Prospera on March 28, 2013.

4.5 Exhibit 4 depicts the Prospera product at issue.

4.6 Exhibit 5 depicts the infringing product of Sanjay Gupta d/b/a Santa Medical;

4.7 Exhibit 6 depicts the infringing product of BeautyKo LLC.

4.8 Exhibit 7 depicts the infringing product of Bia Health Technologies Ltd. d/b/a Mapleaf.

4.9 Exhibit 8 depicts the infringing product of Sunpentown International, Inc.

4.10 Exhibit 9 depicts the infringing product of TruCore Distributors, Inc.

4.11 Exhibit 10 depicts the infringing product of K.S. Choi, Corporation.

4.12 The products identified above are extremely similar, if not identical to the Prospera product. Some of the infringing devices are essentially the same item, but with a

different company logo on the front such as Exhibit 9. Each Respondent's controller is substantially identical to Prospera's controller as shown in Exhibit 1 and thus infringes upon Prospera's D666161 patent. Exhibit 14 examines customer reviews of the product of Bia Health Technologies Ltd. d/b/a Mapleaf. Of the four customer reviews, two confuse the Bia Health Technologies Ltd. d/b/a Mapleaf product with Prospera's patented PL009 massager.

V. THE ASSERTED PATENT

a. Non-technical description of the asserted patent

5.1 At issue in this investigation is Respondents' infringement of a United States Patent. The asserted patent is the US Patent No. D666161. The patent discloses and claims ornamental features of the controller used in an electronic hand-held pulse massaging device. The ornamental features are described in the patent document of Exhibit 1.

5.2 The patent is for the controller which is used to all aspects of the massaging pulses which are delivered by the stimulation pads electronically coupled to the controller. The controller has a screen for which options can be read, as well as the current setting for the device. The controller has an "on" and an "off" button below the screen, as well as eleven other buttons, specifying certain settings for the device. There is a clip-on holder on the back of the device, which holds the batteries that power the device. There are two outlets for coupling the wires that lead to the four stimulation pads, which can be placed upon the body, delivering the sensations specified by the use of the buttons (Exhibit 15).

b. Background of the asserted patent

i. The US Patent No. D666161

5.3 On October 31, 2011, Megan Zhu, Jian Ding, and Yubo Ding applied for a United States Design Patent for a Massage Controller. On August 28, 2012, a 14-year patent (No.

D666161) was issued, as evidenced in Exhibit 1. The inventors licensed all their rights and interests in the D666161 exclusively to Prospera Corporation on September 28, 2012 (Confidential Exhibit 16). The D666161 patent is valid, enforceable, and is currently in full force and effect.

5.4 Pursuant to 19 CFR §210.12(c), a certified copy of the D666161 patent's U.S. Patent and Trademark Office ("USPTO") prosecution history and three additional copies thereof accompany this Complaint as Appendix A, and four copies of the patent and technical reference mentioned in the prosecution history accompany this Complaint as Appendix B.

5.5 The named inventors issued an exclusive license and thus licensed all their rights and interest in the D666161 patent exclusively to Prospera Corporation. A copy of this executed Exclusive Patent License Agreement is attached as Confidential Exhibit 16.

5.6 Prospera Corporation currently owns all rights and interests in the D666161 patent.

5.7 The D666161 patent has no foreign counterparts, and no foreign counterpart applications have been filed, rejected, withdrawn, or abandoned with respect to the D666161 patent.

ii. Sub-licenses under the asserted patent

5.8 Prospera Corporation has not sub-licensed the asserted patent to any third party.

VI. UNFAIR ACTS OF THE RESPONDENTS UNDER SECTION 337 – PATENT INFRINGEMENT.

6.1 The unfair acts of the Respondents involve the importation into the United States, the sale for importation, and/or the sale within the United States after the importation of certain electronic hand-held pulse massagers and components thereof that infringe the asserted patent. Each of the Respondents has been aware of Prospera's asserted patent since at least the middle of

August, 2013, as a result of letters sent by Prospera to each of the named Respondents.

6.2 Respondents directly infringe upon the D666161 patent with certain electronic hand-held pulse massage devices manufactured, imported, used, sold for importation, and/or sold after importation, including but not limited to the following: the LFM-110 Electronic Pulse Massager by Sanjay Gupta d/b/a Santa Medical (Exhibit 5); the Relaxor Electric-Massager by BeautyKo LLC (Exhibit 6); the Mapleaf Electronic Pulse Massager by Bia Health Technologies Ltd. d/b/a Mapleaf (Exhibit 7); the UC-570 Electronic Pulse Massager by Sunpentown International, Inc. d/b/a SPT (Exhibit 8); the PL-009 TruMedic Electronic Pulse Massager by TruCore Distributors, Inc. (Exhibit 9); and the KS Choi Electronic Pulse Massager by K.S. Choi, Corporation (Exhibit 10), which are collectively referred to as “the Accused Products”. More specifically, each of the Accused Products includes a controller which is not only functionally same as, but has substantially identical ornamental features to, the controller in Prospera’s PL-009 product.

6.3 While Prospera does not physically have possession of the products created by Respondents, further discovery may reveal that additional claims of the asserted patent are infringed by these accused products, and that other products created by Respondents may infringe claims of the asserted patent.

VII. UNLAWFUL IMPORTATION AND SALE

7.1 On information and belief, Respondents develop, design, and/or manufacture the accused products that infringe the asserted patent, and Respondents import from China into the United States, sell for importation into the United States, and/or sell within the United States after importation the accused products.

7.2 On information and belief, Respondent BeautyKo LLC was the first to produce

and mark an infringing product without FDA's 510(k) approval. The "Relaxor Digital Pulse Massager" was first seen in a March 2012 house-ware show in Chicago, and since then, other Respondents have been marketing similar products without FDA's 510(k) approval. On information and belief, Respondent BeautyKo LLC imported into the United States and/or sold for importation into the United States the "Relaxor Digital Pulse Massager" that was displayed and demonstrated at the March 2012 house-ware show in Chicago. Exhibit 12 is a Declaration from Jane Ding who observed the "Relaxor Digital Pulse Massager" on display at the show.

7.3 On information and belief, the infringing products hit the market in or around the time the patent application was filed and when the Prospera massager first became the number one category seller on Amazon. The March 2012 house-ware show in Chicago also featured the infringing products, and since that point in time, Respondents have been marketing and selling their infringing products in a variety of different ways, including using their own personal websites. Respondents also rely on websites such as www.amazon.com and www.groupon.com to promote their products. Exhibit 11 shows that over 5,000 infringing units were sold through Groupon, and at \$25.99, that creates a profit of *at least* \$129,500. Groupon sold the Prospera PL009 model, taking Prospera's product and using it without permission. This infringes upon Prospera's legally registered Trademark (Exhibit 2), as well as its patent (Exhibit 1), by selling infringing products.

7.4 On information and belief, Shenzhen Jungkehui Electronic Co., Ltd., a Chinese company, began displaying the PL009 model in the Consumer Electronics Show in January 2013, and sold units to many buyers.

7.5 Prospera alleges that Respondents' infringing products are assigned a U.S. Harmonized Tariff Schedule number under Chapter 85 of the 2013 Harmonized Tariff Schedule

“HTS”). Specifically, Prospera believes that the unlawful importations occur under at least one of the following subheadings: 8537.10.90 – (Boards, panels, consoles, desks, cabinets and other bases, equipped with two or more apparatus of heading 8535 or 8536, for electric control or the distribution of electricity, including those incorporating instruments or apparatus of chapter 90, and numeric: for a voltage not exceeding 1,000 V: Other: Programmable controllers); 8542.31.00 – (Electronic integrated circuits; parts thereof: Processors and controllers, whether or not combined with memories, converters, logic circuits, amplifiers, clock and timing circuits, or other circuits).

7.6 Prospera alleges that Respondents’ infringing products may also be assigned a U.S. Harmonized Tariff Schedule number under Chapter 90 of the 2013 Harmonized Tariff Schedule (“HTS”). Specifically, Prospera believes that the unlawful importations occur under at least one of the following subheadings: 9019.10.20 – (Mechano-therapy appliances; massage apparatus; psychological aptitude-testing apparatus; ozone therapy, oxygen therapy, aerosol therapy, artificial respiration or other therapeutic respiration apparatus; parts and accessories thereof: Battery powered: Handheld)

7.7 These HTS identifications are exemplary classifications for illustrative purposes only and may not be exhaustive. These classifications are not intended to limit the scope of the Investigation, nor are they intended to restrict the scope of any exclusion order or other remedy ordered by the Commission.

VIII. PROSPERA CORPORATION’S DOMESTIC INDUSTRY

8.1 A domestic industry, as defined by 19 U.S.C. §1337(a)(3)(A), (B) & (C), exists with respect to Prospera’s activities in the United States that exploit the asserted patent. Prospera has a significant investment in plant and equipment, a significant employment of labor and

capital, and a substantial investment in the exploitation of the asserted patent through engineering and research and development.

a. A domestic industry exists based upon Prospera's own use of the asserted patent

8.2 A domestic industry, as defined by U.S.C. §1337(a)(3), exists with respect to Prospera's activities in the United States that exploit and use the D666161 patent. Specifically, a domestic industry exists in the United States by virtue of Prospera's significant investment in plant and equipment, significant employment of labor and capital, and substantial investment in engineering, research, and development in the United States in connection with the exploitation of the asserted patent, which includes the manufacturing and sale of electronic hand-held pulse massagers and components thereof. Prospera designs, manufactures, and produce the product, known as the PL009 Electronic Pulse Massager, at its overseas facilities exclusively exploiting the D666161 patent.

i. Technical prong

8.3 Certain electronic hand-held pulse massage devices and components thereof developed and manufactured by Prospera in the United States practice the claim of the asserted patent D666161. Prospera designs and manufactures the PL009 Electronic Pulse Massager at its facilities. As evidenced by Exhibits 1 and 4, it is clear that the PL009 utilizes every aspect of the D666161 patent.

ii. Economic prong

8.4 A domestic industry exists in the United States by virtue of Prospera's (1) significant investment in plant and equipment in the United States; (2) significant employment of labor and capital in the United States for marketing and sales; and (3) substantial investment in engineering and research and development in the United States in connection with electronic hand-held pulse massagers and components thereof designed and manufactured by Prospera that

practice the asserted patent. The PL009 massager is sold within the United States.

8.5 Prospera employs directly and indirectly over 27 individuals, many of whom are tasked with developing new product features, maintaining the current products by providing lifecycle engineering support, and support production and field quality issues. (Exhibit 13; Confidential Exhibit 17).

8.6 Prospera also invests in the research and development of other massage products. Prospera continues to make significant investments in plant and equipment associated with the exploitation of the asserted patent; continues to employ individuals dedicated to manufacturing, engineering, and research and development associated with the products that practice the asserted patent; and continues to invest capital in product support and development associated with the products that practice the asserted patent.

IX. RELATED LITIGATION

9.1 Prospera has not sought relief from the federal courts within the United States, yet it is still considering its options. Prospera first informed www.amazon.com in August 2013, and again in September 2013 of Respondents actions (Confidential Exhibit 19) but Respondents have yet to cease the production and sale of said infringing products. Because Respondents have failed to take further action, Prospera is forced to file this complaint with the Commission, and may seek further action within the United States' federal court system.

9.2 There have been no court or agency proceedings related to the asserted patent other than those listed in this section.

X. REQUEST FOR RELIEF

WHEREFORE, by reason of the foregoing, Complainant Prospera Corporation 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, with respect to violations of that section based on the importation into the United States, sale for importation, and/or the sale within the United States after importation, of the proposed Respondent's electronic hand-held pulse massaging products having features that are covered by or infringing the claim of U.S. Patent No. D666161;

b) Schedule and conduct a hearing pursuant to Section 337(c) of the Tariff Act of 1930, as amended, 19 U.S.C. §1337, for purposes of receiving evidence and hearing argument concerning whether there has been a violation of Section 337, and following the hearing, to determine that there has been a violation of Section 337;

c) Issue a permanent limited exclusion order pursuant to Section 337(d) of the Tariff Act of 1930, as amended, 19 U.S.C. §1337, excluding entry into the United States of certain electronic hand-held pulse massagers and components thereof that are covered by or infringing the claim of U.S. Patent No. D666161;

d) Issue permanent cease-and-desist orders pursuant to Section 337(f) of the Tariff Act of 1930, as amended, 19 U.S.C. §1337, prohibiting the proposed Respondents and their successors or assigns from engaging in the importation, sale for importation, marketing (including via the Internet or electronic mail), offering for sale (including via the Internet or electronic mail), distribution, the sale after importation (or otherwise transferring within the United States), and providing or offering marketing, sales, or any engineering or technical support services related to all unlicensed products having features that are covered by or infringing the claim of U.S. Patent No. D666161;

e) Impose a bond upon Respondents should they continue to import infringing articles during the 60-day Presidential review period per 19 U.S.C. §1337(j); and

f) Issue such other and further relief as the Commission deems just and proper under the law, based upon the facts determined by the investigation and the authority of the Commission.

Dated: December 20, 2013

Respectfully submitted,



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