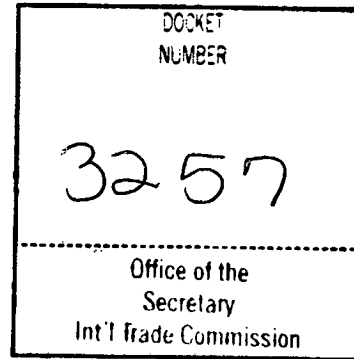


September 25, 2017

The Honorable Lisa R. Barton
Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436



Re: *Certain Shaving Cartridges, Components Thereof and Products Containing Same*

Dear Secretary Barton:

Enclosed for filing on behalf of Complainant The Gillette Company LLC (“Complainant”) against Proposed Respondents Edgewell Personal Care Company, Edgewell Personal Care Brands, LLC, Edgewell Personal Care, LLC, Schick Manufacturing, Inc., and Schick (Guangzhou) Co., Limited (the “Proposed Respondents”) are documents in support of Complainant’s request that the Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended.

A request for confidential treatment of Confidential Exhibit 6 is included with this letter.

1. One (1) original and eight (8) copies of the verified Non-Confidential Complaint and the Public Interest Statement and one (1) CD of the accompanying Non-Confidential exhibits. (19 CFR §§ 201.6(c), 210.4(f)(2), 210.8(a)(1)(i), and 210.8(b).) Two physical exhibits are also being submitted with this Complaint.
2. One (1) CD of the accompanying Confidential Exhibit 6. (19 CFR §§ 201.6(c), 210.4(f)(2), 210.8(a)(1)(ii), and 210.8(b).)
3. Five (5) additional copies of both the verified Non-Confidential Complaint and the Public Interest Statement and five (5) CDs of the Non-Confidential exhibits, for service upon the Proposed Respondents. (19 CFR § 210.8(a)(1)(iii).)
4. One (1) additional copy of the both the verified Non-Confidential Complaint and the Public Interest Statement and one (1) CD of the Non-Confidential exhibits, for service upon the Embassy of the People’s Republic of China. (19 CFR § 210.8(a)(1)(iv).)
5. Five (5) CDs of Confidential Exhibit 6, for service upon the Proposed Respondents. (19 CFR § 210.8(a)(1)(iii) and 210.11(a).)



The Honorable Lisa R. Barton
September 25, 2017
Page 2

6. A certified copy of United States Patent No. 9,193,077 (“the '077 Patent”), cited in the Complaint as Exhibit 1, and a copy of the '077 Patent on CD. (19 CFR §§ 210.8(a)(1)(iii) and 210.12(a)(9)(i).)
7. A certified copy of the assignment for the '077 Patent, Exhibit 3, and the assignment for United States Patent Application No. 10/799,939, Exhibit 2. A certified copy of Exhibit 2 will be submitted when it becomes available. Copies of these exhibits are on a CD. (19 CFR §§ 210.8(a)(1)(iii) and 210.12(a)(9)(ii).)
8. One (1) certified copy of the prosecution history of the '077 Patent, cited in the Complaint as Appendix A, and three (3) additional copies of this prosecution history on separate CDs. (19 CFR § 210.12(c)(1).)
9. Four (4) copies on separate CDs of patent and technical reference documents identified in the prosecution history of the '077 Patent, cited in the Complaint as Appendix B. (19 CFR § 210.12(c)(2).)

In accordance with Commission Rules 201.6 and 210.5, Complainant requests confidential treatment of the business information contained in Exhibit 6. A certification is provided below pursuant to 19 CFR §§ 201.06 and 210.5 requesting confidential treatment of Exhibit 6.

The information for which confidential treatment is sought is proprietary commercial information not otherwise publicly available. Specifically, Confidential Exhibit 6 is a declaration that discusses proprietary and confidential business information of Complainant and Complainant’s investments in the domestic industry.

The information described above qualifies as confidential business information pursuant to Commission Rule 201.6 because:

- a. it is not available to the public;
- b. unauthorized disclosure of such information could cause substantial harm to the competitive position of Complainant; and
- c. its disclosure could impair the Commission’s ability to obtain information necessary to perform its statutory function.



The Honorable Lisa R. Barton
September 25, 2017
Page 3

Thank you for your attention to this matter. Please contact me if you have any questions.

Respectfully submitted,

Marcia H. Sundeen

MHS:drb

Enclosures

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

In the Matter of

CERTAIN SHAVING CARTRIDGES,
COMPONENTS THEREOF AND
PRODUCTS CONTAINING SAME

Investigation No. 337-TA-_____

COMPLAINANT'S STATEMENT REGARDING THE PUBLIC INTEREST

Complainant The Gillette Company LLC ("Gillette") respectfully submits this Statement Regarding the Public Interest in connection with its concurrently filed Complaint, as required by Commission Rule 210.8(b). Gillette submits that the requested remedial orders covering infringing shaving cartridges and components thereof would not have an adverse effect on the 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 consumers in the United States.

Gillette seeks a permanent exclusion order excluding from entry into the United States certain shaving cartridges that infringe U.S. Patent No. 9,193,077 (the "Asserted Patent"). The Proposed Respondents are five related entities: Edgewell Personal Care Company, Edgewell Personal Care Brands, LLC, Edgewell Personal Care, LLC, Schick Manufacturing, Inc. and Schick (Guangzhou) Co., Limited (collectively, "Proposed Respondents" or "Edgewell").

Gillette also seeks permanent cease and desist orders prohibiting the Proposed Respondents, their subsidiaries, related companies and agents from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), soliciting agents or distributors, or aiding and abetting other entities in the importation, sale for importation, transfer (except for exportation), or distribution of shaving cartridges and components that infringe the Asserted Patent.

Gillette, headquartered in Boston, Massachusetts, since the early 1900s has been an innovator in shaving technology. Gillette pioneered products like disposable razors, adjustable shaving razors and razors with spring loaded blades. Gillette owns hundreds of patents relating to razors and shaving technology.

In 2006, Gillette introduced the Fusion[®] razor in the United States. The Fusion razor includes a Fusion handle and a Fusion shaving cartridge (the system that holds the Fusion blades). One of the advancements in the Gillette Fusion razor was the connecting technology for seamlessly connecting the Fusion shaving cartridge to the Fusion handle. The Asserted Patent is directed to the shaving cartridge. The Fusion shaving cartridge is designed to connect with the Fusion handle using the patented technology.

Proposed Respondents are a competitor of Gillette and sell shaving products under the Schick[®] brand name. In May of 2017, in an attempt to piggyback on the success of Gillette's Fusion, Proposed Respondents introduced an infringing product: a shaving cartridge that is designed to *only* fit on a Gillette Fusion handle. Proposed Respondents' products are the Schick Hydro Connect 5 and the Schick Hydro Connect 5 Sensitive shaving cartridges. *See*, <https://www.schickhydro.com/schick/en/products>. Gillette seeks to exclude these infringing Schick shaving cartridges. The remedial orders will serve the strong public interest in protecting and enforcing Gillette's intellectual property rights. *See, e.g., 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). The requested remedial orders will not implicate any factors adverse to the public interest, as explained below.

(1) Explanation of How the Articles Potentially Subject to the Orders Are Used in the United States

The articles potentially subject to the remedial orders are the Schick shaving cartridges that were intentionally designed to be used only with Gillette's Fusion handle. As mentioned above, the infringing articles are sold by the Proposed Respondents under the names Schick Hydro Connect 5 cartridge and Schick Hydro Connect 5 Sensitive cartridge. The infringing products of the Proposed Respondents do not fit any shaving handles made by the Proposed Respondents or any other entity, even though Respondents, and others, manufacture and sell their own shaving handles.

(2) Identification of Any Public Health, Safety, or Welfare Concerns Relating to the Requested Remedial Orders

Issuance of the requested remedial orders would pose no health, safety, or welfare concerns in the United States. The Accused Products are used exclusively for health and beauty purposes (i.e., removing hair), as opposed to medical devices, pharmaceuticals, or military hardware important to national defense. Such products do not generally raise public health, safety, or welfare concerns. *See Certain Radio Control Hobby Transmitters and Receivers and Products Containing Same*, Inv. No. 337-TA-757, Notice of Issuance of Limited Exclusion Order (Sept. 27, 2011). To the extent any products subject to the requested remedial orders might have *de minimus* use in applications that could impact health, safety, or welfare in the United States, these devices could be replaced by, e.g., shaving cartridges from Gillette, and shaving cartridges and handles from Gillette, the Proposed Respondents and other manufacturers, as discussed below.

(3) Identification of Like or Directly Competitive Articles that Gillette and Third Parties Make that Would Replace the Subject Articles if They Were to be Excluded

Numerous entities, including the Proposed Respondents and Gillette, manufacture and sell shaving razors, replaceable cartridges and handles in the United States. Indeed, Proposed Respondents sell numerous shaving products under the Schick brand that are not accused of infringing Gillette's intellectual property. *See*, <https://www.schickhydro.com/>. Moreover, at the time Respondents introduced their Schick Hydro products in 2010, they did not introduce a shaving cartridge that would fit a Gillette Fusion handle. *See*, https://www.sec.gov/Archives/edgar/data/1096752/000120677410001101/energizer_10q.htm In addition, disposable razors marketed by companies other than the Proposed Respondents are widely available in the United States. Thus, even if the Accused Products at issue in this investigation were excluded, consumers would still have access to a wide selection of like products.

(4) Identification of Whether Gillette Has the Capacity to Replace the Volume of Articles Subject to the Requested Remedial Orders in a Commercially Reasonable Time in the United States

Gillette has the ability and capacity to replace the Proposed Respondents' Accused Products subject to exclusion. The Accused Products were intentionally designed to only fit Gillette' Fusion handles. Further, the Accused Products, were just introduced in May of this year, and likely account only for a fraction of shaving cartridges sold in the United States. There is no reason to believe that the Accused Products could not be readily replaced within a commercially reasonable time.

(5) Statement of How the Requested Order Would Impact Consumers

The issuance of the requested remedial orders for the Accused Products will not adversely impact consumers in the United States. The exclusion of Accused Products would

cause no unfilled void because Gillette can supply Fusion cartridges to fit its Fusion handles and there are numerous other shaving products readily available. Given the ability of Gillette and third parties to meet consumer demand, any impact to the public interest by the exclusion of proposed Respondents' infringing products will be minimal.

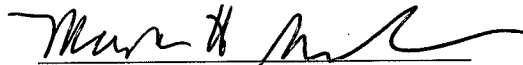
CONCLUSION

If the Commission grants the requested remedial orders, the public interest will be served.

September 25, 2017

Respectfully submitted,

GOODWIN PROCTER LLP



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

In the Matter of

**CERTAIN SHAVING CARTRIDGES,
COMPONENTS THEREOF AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-_____

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

COMPLAINANT

The Gillette Company LLC
1 Gillette Park
Boston, Massachusetts 02127
Tel.: 617-463-3000

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Tel.: 203-944-5500

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TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	COMPLAINANT.....	6
III.	THE PROPOSED RESPONDENTS.....	6
IV.	THE TECHNOLOGY AND PLAIN ENGLISH STATEMENT OF THE PRODUCTS AT ISSUE.....	8
V.	THE ASSERTED PATENT AND NON-TECHNICAL DESCRIPTIONS OF THE INVENTION.....	12
	A. Ownership and Asserted Claims of the '077 Patent.....	12
	B. Non-technical Description of U.S. Patent No. 9,193,077.....	13
	C. Foreign Counterparts.....	15
	D. Licenses.....	16
VI.	UNLAWFUL AND UNFAIR ACTS BY RESPONDENTS – PATENT INFRINGEMENT.....	16
VII.	SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE.....	16
VIII.	HARMONIZED TARIFF SCHEDULE ITEM NUMBERS.....	18
IX.	RELATED LITIGATION.....	18
X.	THE DOMESTIC INDUSTRY.....	19
	A. Gillette’s Fusion Cartridges are Protected by the Asserted Patent.....	19
	B. A Domestic Industry Exists with Respect to Gillette’s Fusion Products.....	20
XI.	RELIEF REQUESTED.....	21

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

In the Matter of

CERTAIN SHAVING CARTRIDGES,
COMPONENTS THEREOF AND
PRODUCTS CONTAINING SAME

Investigation No. 337-TA-_____

EXHIBITS

1. Certified Copy of U.S. Patent No. 9,193,077
2. Copy of the Assignment of Application No. 10/799,939, parent application to U.S. Patent No. 9,193,077
3. Certified Copy of the Assignment of U.S. Patent No. 9,193,077
4. Declaration of Kevin Porter Regarding Importation
5. Gillette, Our History: <https://gillette.com/en-us/our-history> (last visited Sept. 15, 2017)
6. **CONFIDENTIAL** Declaration of Massimiliano Menozzi
7. Press Release: Edgewell Personal Care Launches Direct-to-Consumer Website SchickHydro.com (May 24, 2017)
8. Schick® Hydro Connect Product Leaflet
9. Edgewell Personal Care Company Annual Report (2016)
10. S&P Capital IQ Company Report: Edgewell Personal Care Company
11. S&P Capital IQ Company Report: Edgewell Personal Care Brands, LLC
12. S&P Capital IQ Company Report: Edgewell Personal Care, LLC
13. S&P Capital IQ Company Report: Schick Manufacturing, Inc.
14. Claim Chart for Gillette Fusion® Cartridges
15. List of Foreign Counterparts Patents and Applications for U.S. Patent No. 9,193,077
16. Claim Chart for Schick Hydro Connect Cartridges
17. Mint Global Data for Schick China
18. Schick Hydro Website: <https://www.schickhydro.com/schick/en/products> (last visited Sept. 17, 2017)

PHYSICAL EXHIBITS

1. Gillette Fusion 5 cartridges and handle
2. Schick Hydro Connect 5 cartridges

APPENDICES

- A. Certified copy of the prosecution history of U.S. Patent No. 9,193,077
- B. Copies of the references cited in the prosecution history of U.S. Patent No. 9,193,077

I. INTRODUCTION

1. This Complaint is filed by The Gillette Company LLC (“Complainant” or “Gillette”) under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, to block Respondents’ unlawful attempt to deliberately reap the rewards of Gillette’s innovations in shaving technologies.

2. Since the early 1900s, Gillette, headquartered in Boston, Massachusetts, has been a leading innovator in the shaving industry. Gillette pioneered products like disposable razors, adjustable shaving razors, and razors with spring loaded blades in the United States. Throughout its history, Gillette has worked to foster innovation in the shaving products industry and has become one of the most widely recognized suppliers of safety razors in the United States, with strong brand recognition and customer goodwill. Today, Gillette razors are sold in all 50 states and in more than 175 countries. Gillette razors are used by more than 750 million people worldwide.

3. Gillette’s facilities in South Boston were originally built in 1905. Today they consist of 24 buildings, including a manufacturing plant. Gillette’s plant is known as the Gillette World Shaving Headquarters, and Gillette currently makes many of its products there, including popular Gillette® Fusion® products.

4. Throughout its history Gillette has been an innovator in shaving technology, and holds hundreds of patents relating to razors and razor technology. In 2006, Gillette introduced the Gillette® Fusion® razor in the United States. Among the many advancements utilized by the Fusion® razor was Gillette’s state of the art technology for seamlessly connecting the Fusion®

cartridge (the assembly that holds the Fusion® blades) to its shaving handle.¹ Gillette’s Fusion® razor is Gillette’s premier and most important product offering. The Fusion® ProGlide, including a handle and a razor blade cartridge, is depicted below²:



5. The innovative technology developed by Gillette for connecting the original Fusion® cartridge to the handle (now called the Fusion5™), has enabled Gillette to expand its Fusion® product line to include: the Fusion5™ ProGlide® (which utilizes Gillette’s thinnest blade technology for an incredibly comfortable shave); the Fusion5™ ProShield® (which reduces irritation by lubricating the user’s face before and after the blades); the Fusion® Styler (which combines trimming technology from sister-company Braun – the grooming appliances counterpart to Gillette – with Gillette’s Fusion cartridges helping men trim evenly, shave closely and edge accurately); and the Fusion5™ ProShield® “Chill Razor” (which uses cooling technology for cooling sensation during shaving) (hereafter, all of the Fusion5™ products are referred to collectively as the “Gillette Fusion” or “Fusion”).³

¹ See Gillette, *Our History*, <https://gillette.com/en-us/our-history>.

² Sample Fusion products are being submitted with this complaint as Physical Exhibit 1.

³ See Gillette, *Our History*, <https://gillette.com/en-us/our-history>; Gillette, *Products*, <https://gillette.com/en-us/products/razors-trimmers-and-blades/all-trimmers>.

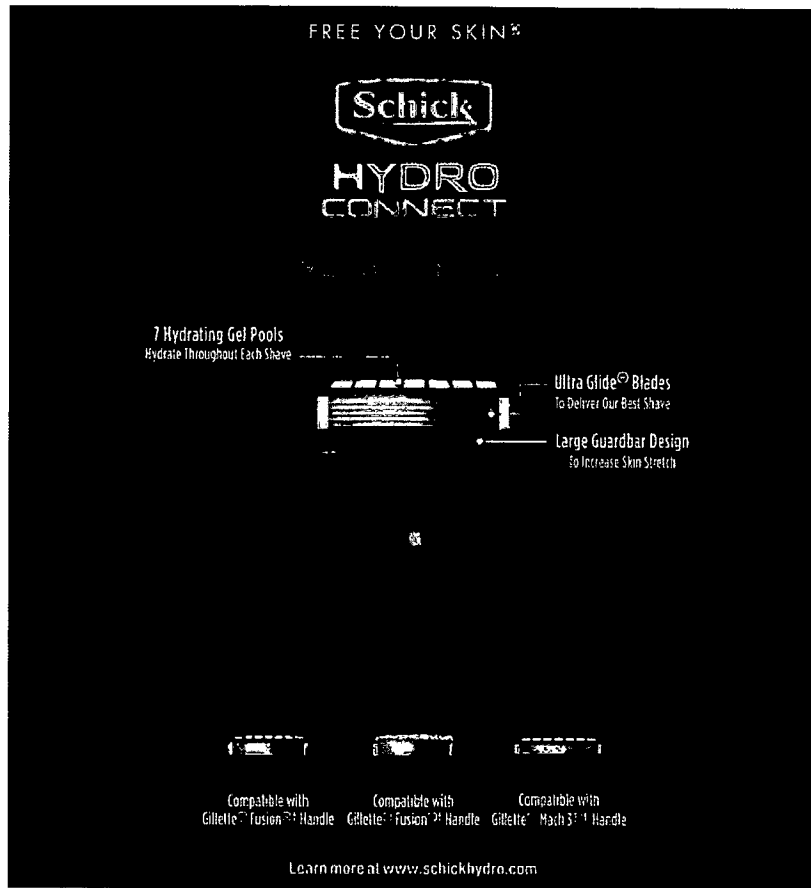
6. Respondents manufacture, import and sell shaving products under the Schick® brand. Attempting to piggyback on the success of the Fusion, Respondents, on May 24, 2017, introduced the Schick® Hydro Connect™ 5 (hereafter, “Hydro Connect 5”) shaving cartridges. The Hydro Connect 5 shaving cartridges were designed to *only* fit Fusion handles made by Gillette, and not any Schick® handle.⁴ Although the Hydro Connect 5 cartridges are manufactured by Respondents, they do not fit any shaving handle made by Respondents or any other manufacturers – they are manufactured and marketed *solely* to fit the Fusion handle. Respondents’ website explicitly states “Schick Hydro Connect 5 fits Fusion® handles. Schick Hydro Connect™ refills are *not* compatible with Schick Hydro® handles.”⁵ Respondents’ Hydro Connect 5 product is their first razor cartridge designed to fit Gillette Fusion handles. *Id.*

7. Respondents’ product leaflet, a portion of which is reproduced below, depicts their Hydro Connect 5 shaving cartridges intentionally designed for Gillette’s Fusion handles.⁶

⁴ See Exhibit (“Ex.”) 7.

⁵ See Ex. 18, Schick Hydro website (products listing) (<https://www.schickhydro.com/schick/en/products>) (emphasis added).

⁶ Respondents’ Hydro Connect 3 cartridges designed to fit Gillette’s Mach3® handle are not a subject of this complaint.



Ex. 8.

8. Respondents' unlawful conduct includes the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of Schick® Hydro Connect 5 shaving cartridges and Schick® Hydro Connect 5 Sensitive shaving cartridges ("the Accused Products" or collectively "Hydro Connect 5") that infringe at least claims 1-4, 11-14 and 18-20 of U.S. Patent No. 9,193,077 ("the '077 Patent") either literally or under the doctrine of equivalents.

9. A domestic industry as required by 19 U.S.C. § 1337(a)(2) and (3) exists in the United States relating to articles protected by the '077 Patent, i.e., Gillette's Fusion products. Since before the introduction of its Fusion products in 2006, and continuing today, Gillette has

made significant and substantial investments in plant and equipment, employment of labor and capital, and in the exploitation of the invention claimed in the '077 Patent in the United States, as explained in Section X. Significantly, Gillette manufactures Fusion razor cartridge products at its campus headquarters in Boston, Massachusetts. As Gillette prominently touts on its publicly available corporate website:

For us, every detail counts. Because we don't just market blades, we've been *making* them right here in Boston for over 100 years. We do over 60 precise quality checks from raw material to final cartridge and it must pass every single time, or it will never leave our plant. We know of no other razor manufacturer globally who holds to this standard. We are working hard every day so that our best razors are better than any other product out there, because we want to give you the best shave possible and we want to be better than your expectation, every time.⁷

10. Gillette seeks as relief a permanent limited exclusion order under 19 U.S.C. § 1337(d) barring from entry into the United States infringing shaving cartridges that are designed to fit Gillette's Fusion shaving handles, components thereof and products containing same that are manufactured and/or assembled abroad, sold for importation, imported, and/or sold in the United States after importation by or on behalf of the Proposed Respondents. Gillette further seeks as relief permanent cease and desist orders under 19 U.S.C. § 1337(f) prohibiting the Proposed Respondents from importing, selling, marketing, advertising, distributing, offering for sale, supporting, warehousing inventory for distribution, and transferring (except for exportation), shaving cartridges that infringe the Asserted Patent.

⁷ Gillette, *About Gillette*, <https://gillette.com/en-us/about-gillette> (emphasis in original).

II. COMPLAINANT

11. Gillette is an iconic brand in shaving products and develops and manufactures shaving products at its World Shaving Headquarters in Boston, Massachusetts. The Gillette Company LLC is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business and world headquarters located at 1 Gillette Park, Boston, Massachusetts. Gillette is a wholly-owned subsidiary of The Procter & Gamble Company.

III. THE PROPOSED RESPONDENTS

12. On information and belief, Respondents collectively design, develop, manufacture and sell for importation, import into the United States, and/or sell and offer to sell after importation into the United States various shaving products under the Schick[®] brand, including the Accused Products, which are known as Hydro Connect 5 and Hydro Connect 5 Sensitive cartridges. Through such acts, Respondents infringe the Asserted Patent in violation of Section 337, as detailed below.

13. On information and belief, Respondent Edgewell Personal Care Company (“Edgewell”) is a corporation organized and existing under the laws of the State of Missouri with its principal place of business located at 1350 Timberlake Manor Parkway, Chesterfield, Missouri 63017. Edgewell is the ultimate parent corporation under which all Proposed Respondents operate as subsidiaries. On information and belief, in this position, Edgewell exerts control over the activities and processes associated with the development, manufacture, importation and sale of the Accused products. *See* Ex. 10, S&P Report, Edgewell; Ex. 9, Edgewell Annual Report at 5-7, and Exhibit 21.1; and Ex. 7, Edgewell Press Release.

14. On information and belief, Respondent Edgewell Personal Care Brands, LLC (“Edgewell Brands”) is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business located at 6 Research Drive, Shelton, CT 06484. *See* Exhibit 11, S&P Report. On information and belief, Edgewell Brands sells the Hydro Connect products in the United States after importation from China. *See* Ex. 8, Schick Hydro Connect Product Leaflet. On information and belief, Edgewell Brands is a wholly owned subsidiary of Edgewell. *See* Ex. 9, Edgewell Annual Report at Exhibit 21.1.

15. On information and belief, Respondent Edgewell Personal Care, LLC (“Edgewell Personal Care”) is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business located at 6 Research Drive, Shelton, CT 06484 and manufactures personal care products, such as razors. *See* Ex. 12, S&P Report. On information and belief, Edgewell Personal Care is a wholly owned subsidiary of Edgewell. *See* Ex. 9, Edgewell Annual Report at Exhibit 21.1.

16. On information and belief, Respondent Schick Manufacturing, Inc. (“Schick Manufacturing”) is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 10 Leighton Road, Milford, CT 06460. *See* Ex. 13, S&P Report. On information and belief, Schick Manufacturing is engaged in the manufacture and marketing of shaving products, including the razor blades in the Accused Products. *Id.* On information and belief, Schick Manufacturing is a wholly owned subsidiary of Edgewell. *See* Ex. 9, Edgewell Annual Report at Exhibit 21.1.

17. On information and belief, Respondent Schick (Guangzhou) Co., Limited (“Schick China”), is a corporation organized and existing under the laws of China with its principal place of business located at No. 3 Xia Yuan Road, Dong Ji, Industrial District, Getdd,

Guangzhou 510730, CHINA. *See* Ex.17, Mint Global Data. On information and belief, Schick China manufactures and assembles the Hydro Connect 5 and Hydro Connect 5 Sensitive products in China for importation and sale in the United States. *See* Ex. 8, Schick Hydro Leaflet. On information and belief, Schick China is a wholly owned subsidiary of Edgewell. *See* Ex. 9, Edgewell Annual Report at Exhibit 21.1.

18. On information and belief, Respondents Edgewell Personal Care Brands, LLC, Edgewell Personal Care, LLC, Schick Manufacturing, Inc. and Schick China are wholly owned subsidiaries of Edgewell Personal Care Company. Proposed Respondents are collectively engaged in the research, development, manufacture, importation and sale of the Accused Products.

IV. THE TECHNOLOGY AND PLAIN ENGLISH STATEMENT OF THE PRODUCTS AT ISSUE

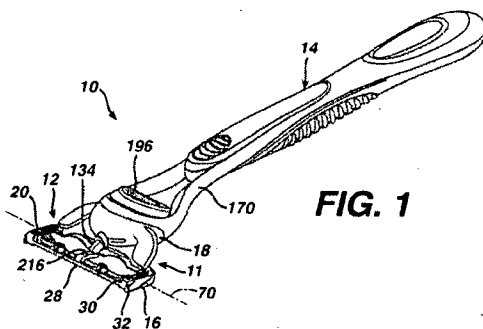
19. The products that are the subject of this complaint are shaving cartridges that are used together with a handle to remove unwanted hair.

20. Shaving systems typically include a handle and an assembly for retaining razor blades (“the blade unit”). The blade unit can be directly attached to the handle or a connecting member can attach to the blade unit on one end and the handle on the other end. The combination of the blade unit and the connecting member is often referred to as a shaving cartridge. Typically, handle and shaving cartridges are designed such that the shaving cartridge is removable and also, when attached, can pivot.

21. Shaving cartridges are designed to mate with specific handles. For example, a Gillette Fusion cartridge mates with a Gillette Fusion handle. Pursuant to Commission Rule

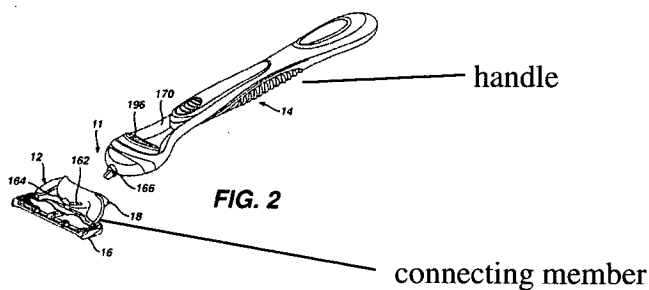
210.12(b), Gillette submits herewith as Physical Exhibit 1 sample products from the Gillette Fusion product line.

22. The '077 Patent (Ex. 1) relates to a shaving cartridge assembly that can be connected to a shaving handle. As shown in Figure 1⁸ of the '077 Patent, a shaving cartridge (12), which is disposable, includes a blade unit (16) and a connecting member (18) that can be removably attached to a handle (14). The connecting member is designed to mate with a handle. Figure 1 shows a shaving cartridge attached to a handle.



Ex. 1, '077 Patent, Figure 1.

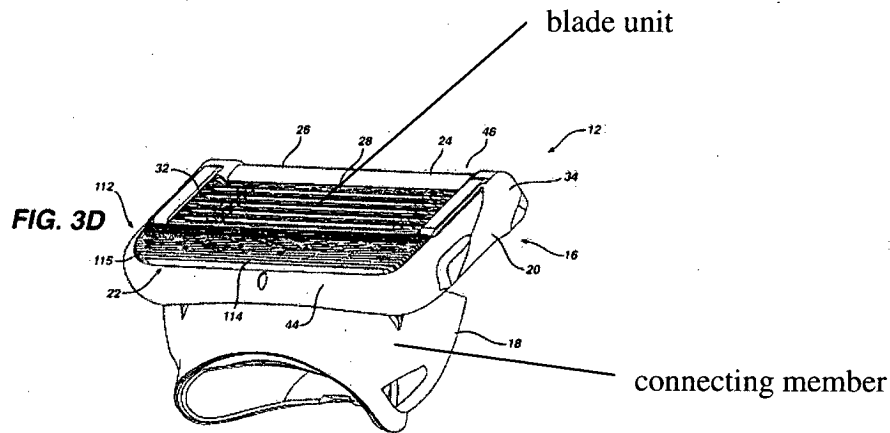
23. Figure 2 of the '077 Patent shows a removable shaving cartridge, including a blade unit (16) and the connecting member (18) detached from a handle (14).



Ex. 1, '077 Patent, Figure 2.

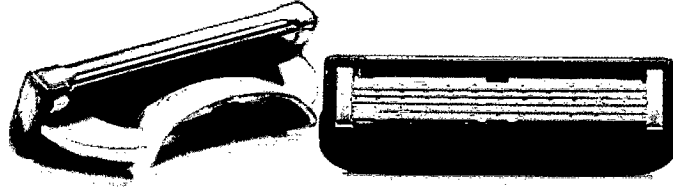
⁸ The Figures reproduced here from the '077 Patent are exemplary and do not define or limit the scope of the claims.

24. Figure 3D of the '077 Patent shows another view of a shaving cartridge, including the blade unit and the connecting member.



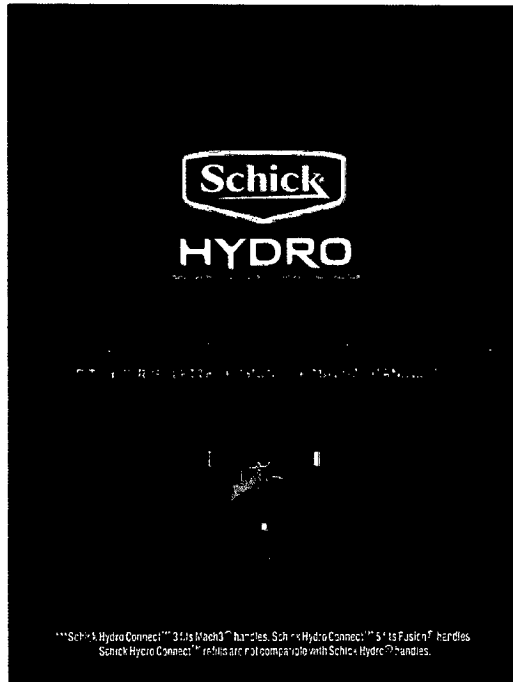
Ex. 1, '077 Patent, Figure 3D.

25. Gillette manufactures and sells numerous Fusion shaving cartridges practicing the claims of the '077 Patent, including Fusion5™, Fusion5™ Power, Fusion5™ ProGlide®, Fusion5™ ProGlide® Power, Fusion5™ ProShield®, and Fusion5™ ProShield® “Chill Razor.” Gillette’s Fusion product line enjoys widespread recognition in the United States. Gillette’s Fusion cartridges are designed to fit Gillette’s Fusion handles. All of the Fusion branded cartridges have the same connecting structure. Gillette manufactures and sells Fusion cartridges in the United States. An example of a Fusion cartridge is depicted below:



See, e.g., Ex. 14, Fusion Claim Chart.

26. This year, 10 years after Gillette introduced its highly successful Fusion, Respondents introduced the Accused Products; the Hydro Connect 5 and the Hydro Connect 5 Sensitive shaving cartridges.⁹ The Accused Products, as shown below, are intentionally designed to fit Gillette's Fusion handle, and they also infringe the '077 Patent.



Ex. 8, Hydro Connect Product Leaflet.

⁹ The Hydro Connect 5 and Hydro Connect 5 Sensitive are structurally similar for purposes of the infringement analysis.

V. THE ASSERTED PATENT AND NON-TECHNICAL DESCRIPTIONS OF THE INVENTION¹⁰

A. Ownership and Asserted Claims of the '077 Patent

27. United States Patent No. 9,193,077 (the '077 Patent), entitled “Shaving Razor Cartridge Having Connecting Member,” issued on November 24, 2015 to inventor Charles B. Worrick. The patent issued from United States Patent Application No. 13/211,788 filed on August 17, 2011. The application resulting in the '077 Patent is a continuation of Application No. 11/787,827, which is a continuation of Application No. 10/799,939, filed on March 11, 2004, which issued as United States Patent No. 7,690,122.

28. By way of assignment, Complainant Gillette owns all rights, title and interest to the '077 Patent. The inventor, Charles B. Worrick, assigned his rights in the parent application which later led to the '077 Patent to The Gillette Company on June 24, 2004. Ex. 2, Assignment. That assignment was recorded on July 19, 2004. *Id.* The Gillette Company assigned all rights to the '077 Patent to Gillette on September 1, 2016.¹¹ Ex. 3 at 5. That assignment was recorded on September 26, 2016. Ex. 3 at 1. A certified copy of the '077 Patent is attached as Exhibit 1 and copies of the assignment records for the '077 Patent are attached as Exhibits 2 and 3.¹²

29. Pursuant to Commission Rule 210.12(c)(1), one certified copy and three additional copies of the prosecution history of the Asserted Patent has been submitted with this

¹⁰ These descriptions and any other non-technical descriptions within this Complaint are for illustrative purposes only. Nothing contained within this Complaint is intended to express, either implicitly or explicitly, any position regarding the proper construction or scope of any claim of the Asserted Patent.

¹¹ On or around September 1, 2016, The Gillette Company merged with and into The Gillette Company LLC. Ex. 3 at 31-33.

¹² At the time of filing of this complaint, a certified copy of the assignment in Exhibit 2 was not

Complaint as Appendix A. Pursuant to Commission Rule 210.12(c)(2), four copies of the references cited in the Asserted Patent also have been submitted with this Complaint as Appendix B.

30. The '077 Patent contains 20 claims, including independent claims 1 and 11. Complainant asserts that Respondents infringe, either literally or under the doctrine of equivalents, at least claims 1-4, 11-14 and 18-20 by the manufacture, importation, sale for importation and/or sale after importation of the Hydro Connect 5 and Hydro Connect 5 Sensitive.

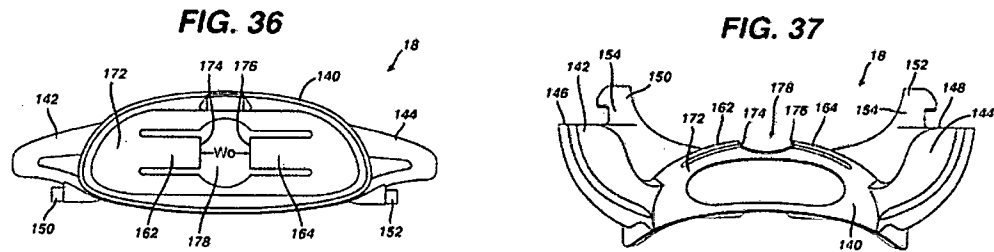
B. Non-technical Description of U.S. Patent No. 9,193,077

31. Prior to introducing the Fusion product line, and consistent with its heritage of innovation, Gillette undertook research and development efforts to develop what was to become one of its most successful products in the company's over century-long history. Those efforts included development of a novel connecting system to attach the blade unit to the handle. In 2004, Gillette filed the parent patent application that eventually resulted in the '077 Patent. The '077 Patent, which is directed to a shaving cartridge assembly, is a result of these development efforts.

32. The shaving cartridge of the '077 Patent includes a blade unit and a connecting portion or member. The connecting member is attached to the blade unit so that the blade unit can pivot during shaving. The connecting member also provides the mechanism for attaching and removing the cartridge to and from the handle. Figures 1 and 2 of the '077 Patent depict a cartridge attached to a handle and a cartridge removed from a handle. *See also* Ex. 1, '077 Patent, col. 1, ll. 32-34.

available. Complainant will submit a certified copy of Exhibit 2 when it becomes available.

33. The connecting member of the '077 Patent includes a pair of deflectable latches that facilitate the connection between the handle and the cartridge. These latches extend along an integral wall of the body to opposing free distal ends. There is an opening between the latches to permit insertion of a handle. Figures 36 and 37, shown below, depict alternate views of a connecting member made in accordance with the '077 Patent.



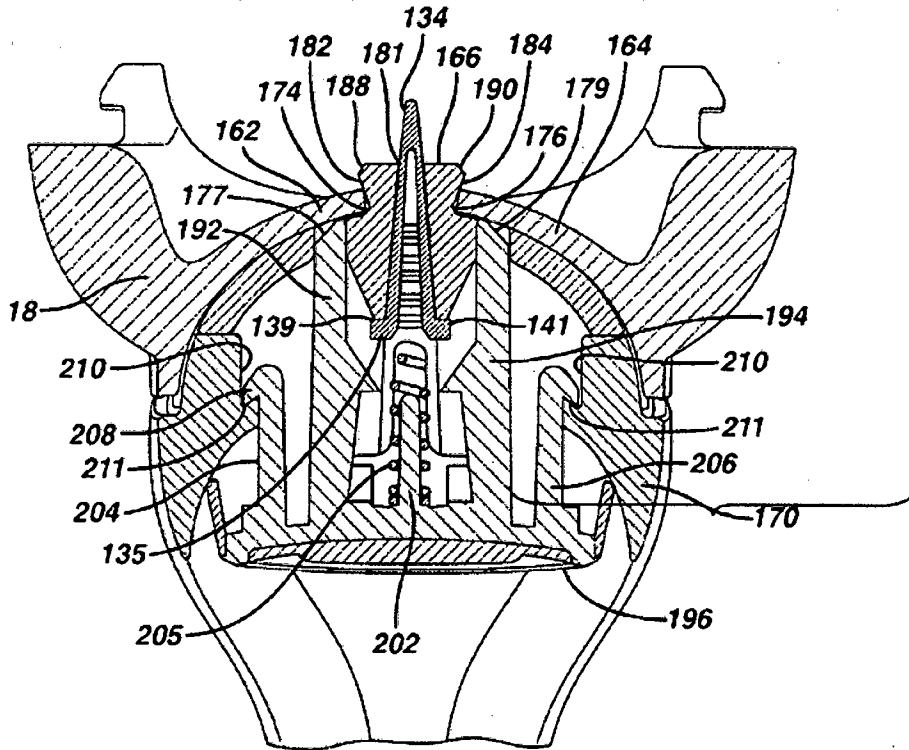
Ex. 1, '077 Patent, Figs. 36 and 37.

Figure 36 shows the rear or bottom view of a connecting member and Figure 37 shows a front view of a connecting member.

34. For shaving, a user inserts a handle into the opening 178 between the latches. As the handle is inserted, the latches 162, 164 deflect to receive the handle. Ex. 1, '077 Patent, col. 12, ll. 10-24. As the handle is inserted further into the opening, and past the latches, the latches return to their original undeflected position. Ex. 1, '077 Patent, col. 12, ll. 17-24.

35. Figure 39 is a cross section of a handle and a cartridge, with the handle fully inserted into the connecting member 18.

FIG. 39



Ex. 1, '077 Patent, Fig. 39. As shown above, the latches 162, 164 engage the handle and prevent slippage of the cartridge from the handle.

36. When a user desires to remove the handle from the cartridge, the user presses a release button 196 on the handle and pusher arms 192, 194 force the latches to release the cartridge from the handle. Ex. 1, '077 Patent, col. 12, ll. 25-33, Fig. 39. The cartridge then springs away from the handle. Ex. 1, '077 Patent, col. 13, ll. 53-56.

C. Foreign Counterparts

37. A list of foreign counterpart patents and applications to the Asserted Patent is included with this Complaint at Exhibit 15. Gillette owns all right, title, and interest in and to each of these foreign counterpart patents and foreign counterpart applications. As of the filing of

this Complaint, Complainant is not aware of any other foreign counterpart patents or foreign counterpart applications corresponding to the Asserted Patent that have issued, are pending, or have been denied, abandoned, or withdrawn.

D. Licenses

38. Complainant has not licensed the Asserted Patent other than the assignments recorded at the PTO.

VI. UNLAWFUL AND UNFAIR ACTS BY RESPONDENTS – PATENT INFRINGEMENT

39. Respondents have engaged in unlawful and unfair acts, including the importation into the United States, sale for importation into the United States, and/or sale and offer for sale within the United States after importation of the Accused Products. The Accused Products infringe one or more of the claims 1-4, 11-14, and 18-20 of the '077 Patent, either literally or under the doctrine of equivalents. Pursuant to Commission Rule 210.12(b), Gillette submits herewith as Physical Exhibit 2 sample Accused Products.

40. An exemplary claim chart comparing the asserted claims of the '077 Patent to the Accused Products is attached as Exhibit 16. Further discovery may reveal that additional claims of the Asserted Patent are infringed by the Accused Products.

VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

41. The Accused Products are available for sale in the United States at Respondents' website. For example, Exhibit 18 includes a description of an offer for sale of the Hydro Connect 5 cartridges and Hydro Connect 5 Sensitive cartridges on Schick's website for the Hydro Connect 5, <https://www.schickhydro.com/schick/en/products>.

42. As set forth in the Declaration of Kevin Porter, Hydro Connect 5 cartridges were purchased from the schickhydro.com website in the United States. *See* Ex. 4, at Ex. A. These Hydro Connect 5 cartridges were delivered to an address in the United States. *See* Ex. 4, at Ex. B.

43. Included in the boxes containing the Hydro Connect 5 cartridges purchased from schickhydro.com were a product leaflet stating “SCHICK HYDRO® BLADES MADE IN THE USA, ASSEMBLED IN CHINA FOR EDGEWELL PERSONAL CARE BRANDS, LLC, SHELTON, CT 06484.” *See* Exs. 4 and 8.

44. As further set forth in the Declaration of Kevin Porter, Hydro Connect 5 Sensitive cartridges were purchased from the schickhydro.com website in the United States. *See* Ex. 4, at Ex. G. These Hydro Connect 5 Sensitive cartridges were delivered to an address in the United States. *See* Ex. 4.

45. The Hydro Connect 5 Sensitive cartridges purchased from schickhydro.com included a product leaflet stating “SCHICK HYDRO® BLADES MADE IN THE USA, ASSEMBLED IN CHINA FOR EDGEWELL PERSONAL CARE BRANDS, LLC, SHELTON, CT 06484.” *See* Exs. 4 and 8.

46. On information and belief, Respondent Schick China assembles and manufactures the Accused Products in China. *See* Exs. 8 and 9.

47. Respondents describe the assembly of a shaving cartridge as a “critical” process. According to the schick.com website:¹³

¹³ Schick, *History of Shaving*, <http://www.schick.com/mens-shaving-info/history-of-shaving>.

ASSEMBLY AND PACKAGING — MOVING RAZORS TO MARKET

Once the blades and other components have been made, they must be assembled into a shaving product and packaged for the marketplace. The assembly of the components into a finished product is a critical step in the manufacturing process. It is important that certain processes that take place during assembly are done correctly in order to ensure a functional and safe shaving product.

48. On information and belief, as of May 2017, Schick Hydro Connect 5 and Schick Hydro Connect 5 Sensitive shaving cartridges have been sold after importation into the United States by and for Respondents. *See Ex. 4.*

VIII. HARMONIZED TARIFF SCHEDULE ITEM NUMBERS

49. On information and belief, the Harmonized Tariff Schedule (“HTS”) of the United States item numbers under which the Accused Products have been imported into the United States may include at least the following HTS numbers 8212.10.0000 (manual razors), 8510.10.0000 (power razors), and 8212.20.0005 (razor cartridges). The identified HTS numbers are intended for illustration only and are not exhaustive of the products accused of infringement in this Complaint. The HTS numbers are not intended to limit the scope of the Investigation.

IX. RELATED LITIGATION

50. A complaint alleging infringement of the Asserted Patent was filed on September 25, 2017 in the U.S. District Court for the District of Connecticut, captioned *The Gillette Co. LLC v. Edgewell Personal Care Company; Edgewell Personal Care Brands, LLC; Edgewell Personal Care, LLC; and Schick Manufacturing, Inc., C.A. _____*.

51. There is no current nor has there been any other court or agency litigation, foreign or domestic, involving the unfair methods of competition and unfair acts alleged herein, or the subject matter thereof.

X. THE DOMESTIC INDUSTRY

52. Gillette has been proudly making razors in the heart of Boston for over 100 years. Its current World Shaving Headquarters is in the same location as the original Gillette facility from the early 1900s. The Gillette name is synonymous with quality and innovation. It is this dedication to quality and innovation that has resulted in Gillette providing America's No. 1 shave.

53. Gillette's expansive U.S. activities relating to its highly successful Fusion products are the exact type of domestic industry that Section 337 protects. There is no question that a domestic industry exists in the United States as defined by 19 U.S.C. §§ 1337(a)(2)-(3)(A), (B), and/or (C) based on Gillette's significant investments in plant and equipment, significant employment of labor or capital and substantial investment in the exploitation of the invention claimed in the '077 Patent in the United States through engineering, product support and research and development activities. The Fusion cartridge assemblies practice one or more claims in the '077 Patent.

A. Gillette's Fusion Cartridges are Protected by the Asserted Patent

54. Gillette's Fusion shaving cartridges are produced in accordance with the claims of the '077 Patent. An exemplary claim chart comparing a Fusion cartridge to Claim 1 of the '077 Patent is attached as Ex. 14.

B. A Domestic Industry Exists with Respect to Gillette's Fusion Products

55. Gillette conducts significant and substantial domestic industry activities in the United States relating to its Fusion products. These activities include Gillette's significant investments in plant and equipment and significant employment of labor or capital in the United States for the manufacture and support of Fusion shaving cartridges. Gillette has also made substantial investment in the exploitation of the invention claimed in the '077 Patent in the United States through engineering, product support and research and development activities relating to both the Fusion product line generally and Fusion shaving cartridges specifically. *See generally* Confidential Exhibit 6.

56. Gillette has made and continues to make significant investment in plant and equipment in the United States dedicated to the manufacture, research, development, engineering, design, and product support for the Fusion products. Gillette's Boston, Massachusetts facility is responsible for the manufacture, product support and research and development of shaving cartridges used in the Fusion products. *See* Confidential Exhibit 6 at ¶¶ 11-13. Gillette's investment in plant and equipment is described in Confidential Exhibit 6, ¶¶ 11-15.

57. Gillette has employed and continues to employ a significant number of employees in the United States who work on the manufacture, research, development, engineering, design and product support associated with the Fusion products. Confidential Exhibit 6 at ¶ 17. The vast majority of these employees work at Gillette's World Shaving Headquarters in Boston. Indeed, touting its United States-based manufacturing of Fusion products is an important

component of Gillette's overall marketing strategy.¹⁴ In addition, Gillette has invested and continues to invest significant domestic capital towards manufacturing, research, development, engineering, design and product support for the Fusion products. Confidential Exhibit 6 describes some of Gillette's domestic investments in labor and capital for these activities. *See* Confidential Exhibit 6 at ¶¶ 17-19.

58. Gillette has made and continues to make substantial investments in the exploitation of the invention claimed in the '077 Patent in the United States through engineering, product support and research and development activities. Confidential Exhibit 6 sets forth some of Gillette's substantial domestic investments in the exploitation of the Fusion products. *See* Confidential Exhibit 6 at ¶¶ 21-22.

XI. RELIEF REQUESTED

59. WHEREFORE, by reason of the foregoing, Complainants respectfully request 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 19 U.S.C. § 1337(a)(1)(B)(i) based on the importation, sale for importation, and sale after importation, into the United States, of Respondents' shaving cartridges, components thereof and products containing same made by or on behalf of Respondents that infringe one or more asserted claims of the '077 Patent;
- b. Schedule and conduct a hearing pursuant to 19 U.S.C. § 1337 for the purposes of (i) receiving evidence and hearing argument concerning whether there has

¹⁴ *See, e.g.,* Gillette, *About Gillette*, <https://gillette.com/en-us/about-gillette> (embedded video).

been a violation of 19 U.S.C. § 1337, and (ii) following the hearing, determining that there has been a violation of 19 U.S.C. § 1337;

c. Issue a limited exclusion order, pursuant to 19 U.S.C. § 1337(d)(1), barring from entry into the United States all shaving cartridges, components thereof and products containing same made by or on behalf of Respondents that infringe one or more asserted claims of the '077 Patent;

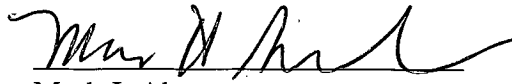
d. Issue cease-and-desist orders, pursuant to 19 U.S.C. § 1337(f), prohibiting each of the Respondents, their subsidiaries, related companies, distributors, and/or agents from marketing, distributing, selling, offering for sale, supporting, warehousing inventory for distribution, or otherwise transferring or bringing into the United States any shaving cartridges, components thereof and products containing same that infringe one or more asserted claims of the '077 Patent;

e. Impose a bond, pursuant to 19 U.S.C. § 1337(j), upon importation of any razor blade cartridges and components thereof that infringe one or more asserted claims of the '077 Patent during the Presidential Review; and

f. Grant such other and further relief as the Commission deems just and proper based on the facts determined by the investigation and authority of the Commission.

Respectfully submitted,

GOODWIN PROCTER LLP



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VERIFICATION OF COMPLAINT

I, Kevin C. Johnson, declare, in accordance with 19 C.F.R. § 210.12(a), under penalty of perjury, the following are true:

1. I am currently Director of the Legal Department at The Gillette Company LLC and I am duly authorized by Gillette to verify the foregoing Complaint.
2. I have read the Complaint and am aware of its contents.
3. The Complaint is not being filed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase of the cost of litigation.
4. To the best of my knowledge, information, and belief, formed after a reasonable inquiry, the claims and other legal contentions set forth in the Complaint are warranted by existing law or by a good faith, non-frivolous argument for extension, modification, or reversal of existing law, or by the establishment of new law.
5. To the best of my knowledge, information, and belief, formed after a reasonable inquiry, the allegations of the Complaint are well grounded in fact and have evidentiary support, or, where specifically identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

Date: September 25, 2017

