

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

LASHIFY, INC.,
Appellant

v.

INTERNATIONAL TRADE COMMISSION,
Appellee

**QINGDAO HOLLYREN COSMETICS CO. LTD., DBA
HOLLYREN, QINGDAO XIZI INTERNATIONAL
TRADING CO., LTD., DBA XIZI LASHES, QINGDAO
LASHBEAUTY COSMETIC CO., LTD., DBA
WORLDBEAUTY, KISS NAIL PRODUCTS, INC.,
ULTA SALON, COSMETICS & FRAGRANCE, INC.,
WALMART, INC., CVS PHARMACY, INC., ARTEMIS
FAMILY BEGINNINGS, INC., DBA LILAC ST.,
ALICIA ZENG,
*Intervenors***

2023-1245

Appeal from the United States International Trade
Commission in Investigation No. 337-TA-1226.

SUA SPONTE

Before PROST, TARANTO, and CHEN, *Circuit Judges*.
PER CURIAM.

O R D E R

The court notes that the opinion issued in this case, *Lashify, Inc. v. International Trade Commission*, 130 F.4th 948 (Fed. Cir. 2025), misstates one standard of review. At 130 F.4th at 964—page 27 of the court-issued version—the opinion states: “We review the Commission’s claim construction without deference and its underlying factual findings for clear error. *See Teva Pharmaceuticals USA, Inc. v. Sandoz, Inc.*, 574 U.S. 318, 332 (2015).” The statement and citation should be altered to state: “We review the Commission’s claim construction without deference and its underlying factual findings for substantial evidence. *See Kyocera Senco Industrial Tools Inc. v. International Trade Commission*, 22 F.4th 1369, 1378 (Fed. Cir. 2022).” That alteration changes nothing about the case-specific analysis set forth or result reached in the opinion.

Accordingly,

IT IS ORDERED THAT:

The mandate is recalled for the limited purpose of correcting a misstatement in the opinion issued on March 5, 2025. The opinion’s statement—“We review the Commission’s claim construction without deference and its underlying factual findings for clear error. *See Teva Pharmaceuticals USA, Inc. v. Sandoz, Inc.*, 574 U.S. 318, 332 (2015).”—is changed to read—“We review the Commission’s claim construction without deference and its underlying factual findings for substantial evidence. *See Kyocera*

Senco Industrial Tools Inc. v. International Trade Commission, 22 F.4th 1369, 1378 (Fed. Cir. 2022).¹

FOR THE COURT



February 4, 2026
Date

Jarrett B. Perlow
Clerk of Court

¹ After issuance of the order, the mandate will issue forthwith.