



August 7, 2017

Via Electronic Filing

The Hon. Rhonda K. Schmidlein, Chairman
The Hon. David S. Johanson, Vice Chairman
United States International Trade Commission
500 E Street, SW
Washington, D.C. 20436

Re: **Under Armour, Inc.'s Statement on the Public Interest**
Certain Semiconductor Devices, Semiconductor Device Packages, and
Products Containing the Same, Inv. No. 337-TA-1010

Dear Chairman Schmidlein, Vice Chairman Johanson, and Commissioners:

On behalf of Under Armour, I respectfully submit these comments in response to the Commission's Notice of Request for Statements on the Public Interest in the matter of *Certain Semiconductor Devices, Semiconductor Device Packages, and Products Containing the Same*, Inv. No. 337-TA-101, dated July 10, 2017.

Founded in 1996 and based in Baltimore, Maryland, Under Armour is a provider of athletic apparel, footwear, sporting goods, and accessories, including health and fitness-related consumer electronic devices. In 2016, Under Armour's revenues reached \$4.8 billion.

Under Armour is deeply concerned about the potential impact of an exclusion order on its business. In partnership with HTC (one of the respondents in this Investigation), Under Armour provides the HealthBox fitness system, the world's first fitness system created specifically to constantly measure, monitor, and manage core factors relating to health, such as body weight, body fat percentage, and progress towards fitness goals, among other things. The HealthBox's unique features allow Under Armour to remain competitive in the growing fitness-related "wearable tech" space.



More importantly, this technology provides a valuable resource to American consumers hoping to improve their overall health and fitness.¹

Under Armour understands that the Administrative Law Judge (ALJ) in this Investigation has recommended an exclusion order and a cease and desist order relating to products containing accused semiconductor chips. An expansive remedial order such as the one the ALJ has recommended here poses significant repercussions to Under Armour, as it does not have an alternative supplier for its HealthBox product. If the Commission adopts the ALJ's recommended remedy, Under Armour will not be able to offer its HealthBox product to its customers, leading not only to lost sales for our company, but also to a loss of opportunities for American consumers to take advantage of this important health-related technology.

While Under Armour expresses no opinion on the merits of the Investigation, we are deeply concerned about the impact a remedial order may have on our ability to provide important fitness-related technology to our customers. If the Commission determines a remedy of some kind is appropriate, we urge you to consider tailoring any remedial order to avoid disruption to Under Armour's ability to offer the HealthBox to its customers, such as by delaying by six or more months the imposition of any remedy to allow HTC to qualify non-accused chips for this product.

Sincerely,

A handwritten signature in black ink that reads "Will Phillips".

WILL PHILLIPS
GENERAL MANAGER,
CONNECTED DEVICES

¹ Obesity in the United States has been increasingly cited as a major health crisis in recent decades, and is the cause of *hundreds of thousands* of deaths each year. See, e.g., <http://ajcn.nutrition.org/content/82/1/207S.full>.

CERTIFICATE OF SERVICE

I, Pamela A. Freitik, hereby certify that the attached document has been served upon the following parties as indicated below on August 7, 2017.

<p>The Honorable Lisa R. Barton Secretary to the Commission U.S. International Trade Commission 500 E Street SW, Room 112-A Washington, D.C. 20436</p>	<p><input checked="" type="checkbox"/> Via EDIS <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Express Delivery <input checked="" type="checkbox"/> Via Hand Delivery</p>
<p>Sidney A. Rosenzweig Office of the General Counsel U.S. International Trade Commission 500 E Street SW Washington, D.C. 20436</p>	<p><input type="checkbox"/> Via EDIS <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Electronic Mail at sidney.rosenzweig@usitc.gov</p>
<p>The Honorable Dee Lord Administrative Law Judge U.S. International Trade Commission 500 E. Street SW, Room 317 Washington, D.C. 20436</p>	<p><input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Express Delivery <input checked="" type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Electronic Mail at edward.jou@usitc.gov</p>
<p>Sturgis M. Sobin Shara Aranoff Daniel E. Valencia COVINGTON & BURLING LLP One CityCenter, 850 Tenth Street, N.W. Washington, D.C. 20001</p> <p>Michael K. Plimack Dale A. Rice Nitin Subhedar COVINGTON & BURLING LLP One Front Street San Francisco, CA 94111</p>	<p><input type="checkbox"/> Via EDIS <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Electronic Mail at Tessera-Broadcom@cov.com</p> <p><input type="checkbox"/> Via EDIS <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Electronic Mail at Tessera-Broadcom@cov.com</p>

<p>Robert T. Haslam Anupam Sharma Thomas E. Garten COVINGTON & BURLING LLP 333 Twin Dolphin Drive Redwood Shores, CA 94065-1418</p> <p><i>Counsel for Complainants Tessera Technologies, Inc., Tessera, Inc. and Invensas Corporation</i></p>	<p><input type="checkbox"/> Via EDIS <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Electronic Mail at Tessera-Broadcom@cov.com</p>
<p>KILPATRICK TOWNSEND & STOCKTON LLP David E. Sipiora Kristopher L. Reed Matthew C. Holohan Brian P. O'Donnell 1400 Wewatta Street, Suite 600 Denver, CO 80202</p> <p>Joshua B. Pond 607 14th Street, NW, Suite 900 Washington, D.C. 20005-2018</p> <p>Norris P. Boothe Matthew J. Meyer William E. Mosley 1080 Marsh Road Menlo Park, CA 94025</p> <p>FOSTER MURPHY ALTMAN & NICKEL PC David F. Nickel Matthew N. Duescher 1899 L Street, N.W., Suite 1150 Washington, D.C. 20036</p> <p><i>Counsel for Respondents Broadcom Limited, Broadcom Corporation, Arista Networks, Inc. ARRIS International plc, ARRIS Group, Inc., ARRIS Technology, Inc., ARRIS Enterprises LLC, ARRIS</i></p>	<p><input type="checkbox"/> Via EDIS <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Electronic Mail at Broadcom-TesseraITC@kilpatricktownsend.com</p> <p><input type="checkbox"/> Via EDIS <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Electronic Mail at Broadcom-TesseraITC@kilpatricktownsend.com</p> <p><input type="checkbox"/> Via EDIS <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Electronic Mail at Broadcom-TesseraITC@kilpatricktownsend.com</p> <p><input type="checkbox"/> Via EDIS <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Electronic Mail at FM-Broadcom-1010@fostermurphy.com</p>

<p><i>Solutions, Inc. , Pace Ltd., Pace Americas, LLC, Pace USA, LLC, ASUSTeK Computer Inc., ASUS Computer International, Comcast Cable Communications, LLC, Comcast Cable Communications Management, LLC, Comcast Business Communications, LLC, Technicolor S.A., Technicolor USA, Inc., Technicolor Connected Home USA LLC, NETGEAR, Inc., HTC Corporation and HTC America, Inc.</i></p>	
<p>David A. Hickerson George C. Beck Foley & Lardner LLP 3000 K Street, N.W., Suite 600 Washington, D.C. 20007-5109</p> <p>Steven J. Rizzi Ramy E. Hanna Foley & Lardner LLP 90 Park Avenue New York, New York 10016-1314</p> <p><i>Counsel for Broadcom Limited and Broadcom Corporation</i></p>	<p><input type="checkbox"/> Via EDIS <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Electronic Mail at Broadcom-Foley@Foley.com</p> <p><input type="checkbox"/> Via EDIS <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Electronic Mail at Broadcom-Foley@Foley.com</p>

/s/ Pamela A. Freitik

Pamela A. Freitik