

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

In the Matter of

CERTAIN WEARABLE ELECTRONIC  
DEVICES WITH ECG  
FUNCTIONALITY AND COMPONENTS  
THEREOF

Inv. No. 337-TA-1266

**ORDER DENYING REQUEST FOR ENTRY INTO EARLY DISPOSITION PROGRAM**

On May 4, 2021, proposed respondent Apple Inc. (“Apple”) submitted a letter requesting that the Commission use the Early Disposition Program to determine whether Complainant AliveCor, Inc. (“AliveCor”) satisfies the domestic industry requirement under 19 U.S.C. § 1337(a)(3). *See* EDIS Doc. ID No. 741559. Apple argues that AliveCor’s KardiaBand and SmartRhythm domestic industry products have been withdrawn from the market and therefore cannot form the basis of a domestic industry. *See id.* at 2-3. Apple also argues that AliveCor’s allegations regarding a domestic industry in the process of being established are not supported by the public versions of the Complaint and exhibits. *See id.* at 3-4.

The Commission has determined not to use the Early Disposition Program pursuant to 19 C.F.R. § 210.10(b)(3) for this investigation because the suggested domestic industry issues for resolution may be too unwieldy to be decided within 100 days of institution. In addition, the proposed respondent has not demonstrated that deciding the issues by early disposition would be most efficient for the parties or for the Commission. Accordingly, the Commission hereby **DENIES** the Request.

The Secretary shall serve copies of this Order upon each party of record in these investigations.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton'.

Lisa R. Barton  
Secretary to the Commission

Issued: May 20, 2021

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WITH ECG CAPABILITY AND COMPONENTS  
THEREOF**

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Certificate of Service – Page 1

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served via EDIS upon the Commission Investigative Attorney, **Whitney Winston, Esq.**, and the following parties as indicated, on **May 20, 2021**.



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

**On Behalf of Complainant AliveCor, Inc. :**

S. Alex Lasher, Esq.  
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Washington, DC 20005  
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- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

**Respondents:**

Apple Inc.  
One Apple Park Way,  
Cupertino, CA 95014

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainant