

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

NOTICE OF INITIAL DETERMINATION
ON VIOLATION OF SECTION 337

Administrative Law Judge Cameron Elliot

(June 27, 2022)

On this date, I issued an initial determination on violation of section 337 in the above-referenced investigation. Below are my Initial Determination and the Conclusions of Law from said filing, which are a matter of public record. A complete public version of the Initial Determination will issue when all the parties have submitted their redactions and I have had an opportunity to review such redactions.

SO ORDERED.



Cameron Elliot
Administrative Law Judge

CONCLUSIONS OF LAW

1. ALC has proven infringement of claims 12, 13, 19, 20, 21, 22, and 23 of U.S. Patent No. 10,683,941 by the Accused Products.
2. ALC has proven infringement of claims 1, 3, 5, 8, 9, 10, 12, 15, and 16 of U.S. Patent No. 10,595,731 by the Accused Products.
3. ALC has not proven infringement of claims 16 or 17 of U.S. Patent No. 9,572,499 by the Accused Products.
4. Apple has not proven any claim of U.S. Patent No. 10,683,941 invalid.
5. Apple has proven claims 1, 8, 12, and 16 of U.S. Patent No. 10,595,731 are invalid as obvious under 35 U.S.C. § 103, and otherwise has not proven any claim invalid.
6. Apple has proven claim 17 of U.S. Patent No. 9,572,499 is invalid for lack of patentable subject matter under 35 U.S.C. § 101, and otherwise has not proven any claim invalid.
7. ALC has proven the existence of a domestic industry as required by 19 U.S.C. § 1337(a)(2) for U.S. Patent Nos. 10,683,941, 10,595,731, and 9,572,499, in that it has proven that a domestic industry exists that practices at least one valid claim of each patent.
8. There is a violation of section 337 with respect to U.S. Patent No. 10,683,941.
9. There is a violation of section 337 with respect to U.S. Patent No. 10,595,731.
10. There is no violation of section 337 with respect to U.S. Patent No. 9,572,499.

INITIAL DETERMINATION AND ORDER

Based on the foregoing, it is my Initial Determination that there is a violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain wearable electronic devices with ECG functionality and components thereof in connection with the asserted claims of U.S. Patent Nos. 10,638,941 and 10,595,731. There has been no violation of U.S. Patent No. 9,572,499.