

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN WEARABLE ELECTRONIC
DEVICES WITH ECG FUNCTIONALITY
AND COMPONENTS THEREOF

Investigation No. 337-TA-1266

NOTICE OF COMMISSION DETERMINATION TO EXTEND THE DATE FOR
DECIDING WHETHER TO REVIEW THE FINAL INITIAL DETERMINATION

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the date for determining whether to review the final initial determination (“ID”) of the presiding administrative law judge (“ALJ”) from August 26, 2022, to September 22, 2022.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3042. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: On May 26, 2021, the Commission instituted this investigation based on a complaint filed by AliveCor, Inc. of Mountain View, California (“AliveCor”). 86 FR 28382 (May 26, 2021). The complaint alleged violations of section 337 based on 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 by reason of infringement of one or more claims of U.S. Patent Nos. 10,595,731 (“the ’731 patent”); 10,638,941 (“the ’941 patent”); and 9,572,499 (“the ’499 patent”). *Id.* The Commission’s notice of investigation named Apple Inc. of Cupertino, California (“Apple”) as the sole respondent. The Office of Unfair Import Investigations is named as a party in this investigation. *Id.*

On June 27, 2022, the ALJ issued the final ID finding a violation of section 337 as to the ’941 and ’731 patents, and no violation of section 337 as to the ’499 patent.

On July 11, 2022, Apple filed a petition for review of the ID and AliveCor filed a combined petition and contingent petition for review of the ID. On July 19, 2022, the private parties and OUII filed responses to the petitions.

The Commission has determined to extend the due date for determining whether to review the final ID from August 26, 2022, to September 22, 2022.

The Commission vote for this determination took place on August 25, 2022.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.



Katherine M. Hiner
Acting Secretary to the Commission

Issued: August 25, 2022