

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC**

**In the Matter of**

**CERTAIN KINESIOTHERAPY DEVICES  
AND COMPONENTS THEREOF**

**Investigation No. 337-TA-823**

**NOTICE OF COMMISSION DETERMINATION TO AFFIRM INITIAL  
DETERMINATIONS TERMINATING THE INVESTIGATION AS TO TWO  
RESPONDENTS BASED ON CONSENT ORDER STIPULATIONS;  
ISSUANCE OF REVISED CONSENT ORDERS**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to affirm the initial determinations (“ID”) (Order Nos. 36 and 37) of the presiding administrative law judge (“ALJ”) granting joint motions to terminate the above-captioned investigation as to Respondents Momentum Management, LLC a.k.a. Bushman Products (“Bushman”) and Evolved Novelties, Inc. (“Evolved”) based on consent order stipulations and consent orders. The Commission has also determined to issue the revised consent orders submitted by the parties.

**FOR FURTHER INFORMATION CONTACT:** Michael K. Haldenstein, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3041. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on January 10, 2012, based on a complaint filed by Standard Innovation Corporation of Ottawa, ON, Canada and Standard Innovation (US) Corp. of Wilmington, Delaware (collectively, “Standard Innovation”). 77 *Fed. Reg.* 1504 (Jan. 10, 2012). The complaint alleged violations of

section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain kinesiotherapy devices and components thereof by reason of infringement of various claims of United States Patent Nos. 7,931,605 and D605,779 (“the ‘779 patent”). The complaint named twenty-one business entities as respondents, several of which have since been terminated from the investigation based upon consent orders. The Commission also determined not to review an ID terminating the investigation with respect to the ‘779 patent.

On July 23, 2012, Standard Innovation and Bushman filed a joint motion pursuant to Commission Rule 210.21(c)(1)(ii) to terminate the investigation as to Bushman based upon the entry of a consent order. On July 24, 2012, Standard Innovation and Evolved filed a joint motion pursuant to Commission Rule 210.21(c)(1)(ii) to terminate the investigation as to Evolved based upon the entry of a consent order. The two motions included proposed consent orders and consent order stipulations. The Commission investigative attorney filed a response supporting the motions. No other responses were filed.

On August 9, 2012, the ALJ issued the subject IDs, granting the joint motions pursuant to section 210.21(c)(3) of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.21(c)(3)). No petitions for review were filed. The Commission determined to review the IDs. On review, the Commission requested that the parties submit to the Commission revised consent orders that specify the activities authorized in the Bushman Settlement Points Agreement and Evolved Novelties Settlement Points Agreement in order to provide public notice as to the scope of the consent orders. On September 24, 2012, the parties submitted the two revised proposed orders. The Commission has determined to affirm the ALJ’s two IDs (Order Nos. 36 and 37) and issue the revised consent orders.

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 sections 210.42 and 210.44 of the Commission’s Rules of Practice and Procedure (19 C.F.R. §§ 210.42, 210.44).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton", written in a cursive style.

Lisa R. Barton  
Acting Secretary to the Commission

Issued: November 5, 2012