

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C.**

**In the Matter of**

**CERTAIN WEARABLE MONITORING  
DEVICES, SYSTEMS, AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-1190**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION TERMINATING THE INVESTIGATION AS TO CERTAIN  
PATENT CLAIMS**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 42) of the presiding administrative law judge (“ALJ”) terminating the investigation as to claims 1 and 3 of U.S. Patent No. 7,845,228 (“the ’228 patent”) based on withdrawal of the complaint as to those claims.

**FOR FURTHER INFORMATION CONTACT:** Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, D.C. 20436, telephone (202) 708-2310. 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](mailto: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:** The Commission instituted this investigation on January 15, 2020, based on a complaint filed on behalf of Philips North America, LLC of Andover, Massachusetts and Koninklijke Philips N.V. of Eindhoven, Netherlands (collectively, “Complainants”). 85 FR 2440-41 (Jan. 15, 2020). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wearable monitoring devices, systems, and components thereof by reason of infringement of certain claims of the ’228 patent and U.S. Patent Nos. 9,820,698; 9,717,464; and 9,961,186 (“the ’186 patent”). The Commission’s notice of investigation named the following respondents: Fitbit, Inc. of San Francisco, California; Garmin International, Inc. and Garmin USA, Inc., both of Olathe, Kansas; Garmin Ltd. d/b/a Garmin Switzerland GmbH of

Schaffhausen, Switzerland; Ingram Micro Inc. of Irvine, California; Maintek Computer (Suzhou) Co., Ltd. of Jiangsu Province, China; and Inventec Appliances (Pudong) of Shanghai, China (collectively, “Respondents”). The Office of Unfair Import Investigations is participating in the investigation. The ’186 patent was previously terminated from the investigation. Order No. 25 (July 17, 2020), *unreviewed by Comm’n Notice* (Aug. 4, 2020).

On October 13, 2020, Complainants filed an unopposed motion for partial termination of the investigation as to claims 1 and 3 of the ’228 patent based on withdrawal of the complaint as to those claims.

On October 20, 2020, the ALJ issued the subject ID (Order No. 42) granting Complainants’ unopposed motion for partial termination as to claims 1 and 3 of the ’228 patent based on withdrawal of the allegations in the complaint as to those patent claims. The ID finds that the motion for termination satisfied Commission Rule 210.21(a)(1) (19 CFR 210.21(a)(1)) and that no extraordinary circumstances exist that would prevent the requested partial termination. No party petitioned for review of the subject ID.

The Commission has determined not to review the subject ID. Claims 1 and 3 of the ’228 patent are terminated from this investigation.

The Commission vote for this determination took place on November 2, 2020

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.



Lisa R. Barton  
Secretary to the Commission

Issued: November 2, 2020