

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN FITNESS DEVICES,
STREAMING COMPONENTS
THEREOF, AND SYSTEMS
CONTAINING SAME**

Investigation No. 337-TA-1265

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION EXTENDING THE TARGET DATE FOR COMPLETION OF
THE INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 23) of the presiding chief administrative law judge (“CALJ”) extending the target date for completion of the investigation to November 28, 2022.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-2392. 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 on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on May 19, 2021, based on a complaint filed by DISH DBS Corporation of Englewood, Colorado; DISH Technologies, L.L.C., of Englewood, Colorado; and Sling TV L.L.C., of Englewood, Colorado (collectively, “DISH”). 86 FR 27106-07 (May 19, 2021). The complaint alleged a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain fitness devices, streaming components thereof, and systems containing same by reason of infringement of certain claims of U.S. Patent Nos. 9,407,564 (“the ’564 patent”); 10,757,156 (“the ’156 patent”); 10,469,554 (“the ’554 patent”); 10,469,555 (“the ’555 patent”); and 10,951,680 (“the ’680 patent”). The notice of investigation

named as respondents ICON Health & Fitness, Inc., FreeMotion Fitness, Inc., and NordicTrack Inc., all three of Logan, Utah (collectively, “iFIT”); lululemon athletica inc., of Vancouver, Canada and Curiouser Products Inc. d/b/a MIRROR of New York, New York (collectively, “MIRROR”); and Peloton Interactive, Inc. of New York, New York. The Commission’s Office of Unfair Import Investigations (“OUII”) also was named as a party.

Respondent ICON Health & Fitness, Inc. was later renamed to “iFit Inc.” Order No. 14 (Nov. 4, 2021), *unreviewed by* Notice (Dec. 6, 2021). Subsequently, the investigation was terminated in part as to claims 6, 11, and 12 of the ’156 patent, claim 22 of the ’554 patent, and claim 17 of the ’555 patent; and claims 9 and 12 of the ’156 patent, claim 19 of the ’554 patent, claims 12 and 13 of the ’555 patent, and claim 6 of the ’564 patent are no longer asserted as to respondents iFit Inc.; Free Motion Fitness, Inc.; NordicTrack, Inc.; and Peloton Interactive, Inc. Order No. 15 (Nov. 19, 2021), *unreviewed by* Notice (Dec. 21, 2021). Likewise, the investigation was partially terminated with respect to claims 6-8, 10, and 13-15 of the ’564 patent, claims 3 and 6-12 of the ’156 patent, claims 18-19, 21-25, and 30 of the ’554 patent, claims 12-13, 16-17, and 26-27 of the ’555 patent, and all asserted claims of the ’680 patent. Order No. 21 (Mar. 3, 2022), *unreviewed by* Notice (Mar. 22, 2022).

On July 19, 2022, the CALJ issued the subject ID extending the target date. The ID noted that in Order No. 4, the original presiding ALJ set an 18-month target date of November 19, 2022, making the final initial determination due on July 19, 2022. ID at 1 (citing Order No. 4 (June 9, 2021)). The ID further noted that on June 23, 2022, the investigation was reassigned to the CALJ. *Id.* The ID found that, in view of the recent reassignment, good cause exists to extend the target date by approximately one week, with the new target date for completion of this investigation set on November 28, 2022, which is approximately eighteen months and one week after institution of the investigation, and with the final ID on alleged violation of section 337 due on July 28, 2022. *Id.* (citing 19 CFR 210.42(a)(1)(i)).

No party petitioned for review of the ID. The Commission has determined not to review the subject ID. The target date is now November 28, 2022.

The Commission vote for this determination took place on August 12, 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.

A handwritten signature in black ink, appearing to read "Katherine M. Hiner". The signature is written in a cursive style with a large initial "K".

Katherine M. Hiner
Acting Secretary to the Commission

Issued: August 12, 2022