

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MEDICAL PROGRAMMERS
WITH PRINTED CIRCUIT BOARDS,
COMPONENTS THEREOF, AND
PRODUCTS AND SYSTEMS FOR USE
WITH THE SAME**

Investigation No. 337-TA-1396

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO CERTAIN
ASSERTED 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. 21) of the presiding administrative law judge (“ALJ”) granting complainants’ unopposed motion to terminate the investigation as to claim 5, solely for the purposes of infringement, and claims 11, 12, 14, 15, 18, 20, 39, and 40 of U.S. Patent No. 8,712,540 (“the ’540 patent”) based on withdrawal of the complaint as to those claims.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3179. 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: The Commission instituted this investigation on April 3, 2024, based on a complaint filed by Medtronic, Inc., Medtronic Logistics, LLC, and Medtronic USA, Inc., all of Minneapolis, Minnesota, and Medtronic Puerto Rico Operations Co. of Juncos, Puerto Rico (collectively, “Medtronic”). 89 FR 23043-44 (Apr. 3, 2024). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain medical programmers with printed circuit boards, components thereof, and products and systems for use with the same by reason of the infringement of certain claims of the ’540 patent and U.S. Patent No. 9,174,059 (“the ’059 patent”). *Id.* at 23043. The complaint further alleges that a domestic

industry exists. *Id.* The notice of investigation (“NOI”) names one respondent: Axonics, Inc. of Irvine, California. *Id.* at 23044. The Office of Unfair Import Investigations is also named as a party. *Id.*

On August 12, 2024, the Commission amended (i) the complaint to substitute “UNITED” in place of “MUNITED” on the cover page and (ii) the NOI so that the plain language description of the accused products reads “sacral neuromodulation systems to control neurostimulators surgically implanted into a human patient, components thereof, and medical programmers and printed circuit boards used in same.” Order No. 11 (July 11, 2024), *unreviewed by* 89 FR 66442 (Aug. 15, 2024).

On September 30, 2024, the Commission terminated the investigation as to (i) claim 17 of the ’540 patent and (ii) the ’059 patent in its entirety based on Medtronic’s partial withdrawal of the complaint. Order No. 16 (Sept. 9, 2024), *unreviewed by* Comm’n Notice (Sept. 30, 2024).

On October 30, 2024, Medtronic filed an unopposed motion to terminate the investigation as to claim 5, solely for the purposes of infringement, and claims 11, 12, 14, 15, 18, 20, 39, and 40 of the ’540 patent based on withdrawal of the complaint. No responses to the motion were filed.

On October 31, 2024, the ALJ issued the subject ID (Order No. 21) granting the motion. The ID finds that the motion complies with the requirements of Commission Rule 210.21(a)(1) (19 CFR 210.21(a)(1)), and that there are “no extraordinary circumstances” that warrant denying Medtronic’s motion. No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID. The investigation is terminated as to claim 5, solely for the purposes of infringement, and claims 11, 12, 14, 15, 18, 20, 39, and 40 of the ’540 patent.

The Commission vote for this determination took place on November 15, 2024.

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 15, 2024