

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

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

Investigation No. 337-TA-1398

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANTS' UNOPPOSED MOTION FOR
PARTIAL TERMINATION AS TO CERTAIN CLAIMS**

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. 13) of the presiding administrative law judge (“ALJ”) granting an unopposed motion for partial termination of the investigation by withdrawal of certain claims.

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) 205-3115. 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 17, 2024, based on a complaint filed on behalf of Ouraring, Inc. of San Francisco, California, and Ōura Health Oy of Finland (collectively, “Ōura,” or “Complainants”). 89 FR 27452-53 (Apr. 17, 2024). The complaint, as amended, alleges violations 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 smart wearable devices, systems, and components thereof by reason of the infringement of certain claims of U.S. Patent Nos. 11,868,178 (“the ’178 patent”); 11,868,179 (“the ’179 patent”); and 10,842,429 (“the ’429 patent”). The Commission’s notice of investigation named as respondents Ultrahuman Healthcare Pvt. Ltd. of Karnataka, India; Ultrahuman Healthcare SP LLC of Abu Dhabi, UAE; Ultrahuman Healthcare Ltd. of London, United Kingdom; Guangdong Jiu Zhi

Technology Co. Ltd. of Guangdong, China; RingConn LLC of Wilmington, Delaware; and Circular SAS of Paris, France. The Office of Unfair Import Investigations (“OUII”) is also a party in this investigation.

Subsequently, the ALJ issued Order No. 8 (May 3, 2024), *unreviewed by* 89 FR 48686-87 (Jun. 7, 2024), granting Ōura’s motion to amend its first amended complaint and the notice of investigation to change the name of respondent Guangdong Jiu Zhi Technology Co. Ltd. to Shenzhen Ninenovo Technology Limited because of a corporate name change, and to amend the address for RingConn LLC.

The ALJ also issued Order No. 12 (Jul. 9, 2024), *unreviewed by* Notice (Aug. 6, 2024), granting a joint motion for partial termination of the investigation as to respondent Circular SAS based on settlement.

On July 19, 2024, Ōura filed a motion for partial termination of the investigation by withdrawal of certain claims. Motion Docket No. 1398-008 at 1 (EDIS Doc. ID 826464). (“Mot.”) The motion stated that it is unopposed by respondents Ultrahuman Healthcare Pvt. Ltd., Ultrahuman Healthcare Ltd., Ultrahuman Healthcare SP LLC, RingConn LLC, and Shenzhen Ninenovo Technology Limited. OUII supported the motion. OUII Resp. (EDIS Doc. ID 827542).

On July 30, 2024, the ALJ issued an ID (Order No. 13) granting the motion. The ID noted that the withdrawn claims are claims 1, 3–5, 9, 10, and 13–16 the ’179 patent, and that Ōura also withdraws its allegations of infringement of claims 8–10 of the ’178 patent as to Ultrahuman. *Id.* at 1 (citing Mot. at 1-2), *id.* n. 1 (citing Mot. at 1). The ID further noted that Ōura continues to assert the following claims:

- claims 1, 2, 6–10, 12–14, 17, and 18 of the ’178 patent; and
- claims 1, 3–6 and 8–11 of the ’429 patent.

Id. at 1 (citing Mot. at 2).

The ID noted that, as required by Commission Rule 210.21(a)(1), Ōura stated that “there are no agreements, written or oral, express or implied between the parties concerning the subject matter of this Investigation.” *Id.* at 2 (citing Mot. at 3). The ID further noted that OUII contended that Ōura’s motion substantially complies with the requirements of Commission Rule 210.21(a)(1). *Id.* (citing OUII Resp. at 2).

Based on the record, the ID found that there are no extraordinary circumstances that warrant denying Ōura’s motion and that the motion complies with Commission Rule 210.21(a)(1). *Id.*

No petitions for review of the ID were filed.

The Commission has determined not to review the ID. As a result, Ōura continues to assert the following claims in this investigation:

- claims 1, 2, 6–10, 12–14, 17, and 18 of the '178 patent (but not claims 8–10 as to Ultrahuman); and
- claims 1, 3–6 and 8–11 of the '429 patent.

The Commission vote for this determination took place on August 22, 2024.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', enclosed within a large, stylized oval flourish.

Lisa R. Barton
Secretary to the Commission

Issued: August 22, 2024