In the Matter of
CERTAIN SLEEP-DISORDERED BREATHING TREATMENT SYSTEMS AND COMPONENTS THEREOF

NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL DETERMINATION GRANTING AN UNOPPOSED MOTION OF COMPLAINANTS RESMED CORP., RESMED INC., AND RESMED LTD. TO AMEND THE COMPLAINT


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. 4) of the presiding administrative law judge granting an unopposed motion of complainants Resmed Corp., Resmed Inc., and Resmed Ltd. to amend the complaint in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3065. 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 (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.

8,312,883; claims 13, 15, 16, 26–28, 51, 52, and 55 of U.S. Patent No. 7,926,487; claims 1, 3, 6, 7, 9, 29, 32, 35, 40, 42, 45, 50, 51, 56, 59, 89, 92, 94, and 96 of U.S. Patent No. 7,178,527; and claims 19–24, 26, 29–36, and 39–41 of U.S. Patent No. 7,950,392. The Commission’s notice of investigation named as respondents BMC Medical Co., Ltd. of Beijing, China; 3B Medical, Inc. of Lake Wales, Florida; and 3B Products, L.L.C. of Lake Wales, Florida (collective, “the Respondents”). A Commission investigative attorney (“IA”) is also participating in this investigation.

On October 30, 2013, Complainants filed an unopposed motion to amend the Complaint to correct an error in its allegations regarding the domestic industry. The motion stated that neither the Respondents nor the IA opposed the motion to amend. On November 21, 2013, the ALJ issued an ID, finding good cause shown and granting Complainants’ motion. There were no petitions for review.

Having considered the ID, the Commission has determined not to review the subject ID.


By order of the Commission.

Lisa R. Barton
Acting Secretary to the Commission

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