

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

**In the Matter of**

**CERTAIN SLEEP-DISORDERED BREATHING  
TREATMENT SYSTEMS AND COMPONENTS  
THEREOF**

**Investigation No. 337-TA-879**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW INITIAL  
DETERMINATIONS GRANTING A MOTION TO TERMINATE THE  
INVESTIGATION AS TO RESPONDENT MEDICAL DEPOT, INC. BASED ON A  
CONSENT ORDER; ISSUANCE OF CONSENT ORDER**

**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. 8) of the presiding administrative law judge granting a motion to terminate the investigation as to respondent Medical Depot, Inc. based on a consent order. The Commission has issued the subject consent order.

**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.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on May 1, 2013, based on a complaint filed on March 28, 2013, and supplemented on April 19, 2013, on behalf of ResMed Corporation of San Diego, California; ResMed Incorporated of San Diego, California; and ResMed Limited of Australia. 78 *Fed. Reg.* 25475 (May 1, 2013). The complaint alleged violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the sale for importation, importation, or sale within the United States after importation

of certain sleep-disordered breathing treatment systems and components thereof by reason of infringement of one or more of claims 1, 2, 4, 5, 17 and 28 of U.S. Patent No. 6,216,691; claims 1 and 20 of U.S. Patent No. 6,935,337; claim 15 of U.S. Patent No. 7,159,587; claims 1, 5, 6, 11, 12, 18–20, 35 and 36 of U.S. Patent No. 7,487,772; claims 1–7 of U.S. Patent No. 7,614,398; claims 59, 60, 63, 72–75 of U.S. Patent No. 7,743,767; and claims 17, 21–24, 29, 32–37 of U.S. Patent No. 7,997,267. The Commission’s notice of investigation named as respondents Apex Medical Corporation of New Taipei City, Taiwan; Apex Medical USA Corporation of Brea, California; and Medical Depot Inc., d/b/a Drive Medical Design & Manufacturing of Port Washington, New York.

On May 30, 2013, Respondent Medical Depot Inc. filed a motion to terminate the investigation as to itself based upon a consent order stipulation and proposed consent order. On June 10, 2013, Complainants filed a response in opposition to the motion to terminate and the Commission investigative attorney filed a response in support of the motion. On June 26, 2013, the presiding administrative law judge issued Order No. 8, granting the motion to terminate and granting in part a motion to stay as to Medical Depot Inc. pending the resolution of the motion to terminate. The administrative law judge found that termination is in the public interest. That portion of Order No. 8 granting the motion to terminate constitutes an ID.

There were no petitions for review. Having considered the ID and proposed consent order and the relevant portions of the record, the Commission has determined not to review the subject ID. The Commission has issued the consent order with respect to Medical Depot Inc.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and of Part 210 of the Commission’s Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton  
Acting Secretary to the Commission

Issued: July 19, 2013