

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

**In the Matter of**

**CERTAIN PERCUSSIVE MASSAGE  
DEVICES**

**Investigation No. 337-TA-1206**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW  
AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO  
RESPONDENTS WODFITTERS AND MASSIMO MOTOR SPORTS, LLC**

**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. 12) of the presiding administrative law judge (“ALJ”), granting an unopposed motion to terminate the investigation with respect to respondents WODFitters (“WODFitters”) and Massimo Motor Sports, LLC (“Massimo”) based upon settlement agreements.

**FOR FURTHER INFORMATION CONTACT:** Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, 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](mailto: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 on July 22, 2020, based on a complaint filed on behalf of Hyper Ice, Inc. (“Hyper Ice”) of Irvine, California. 85 FR 44322 (July 22, 2020). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain percussive massage devices by reason of infringement of certain claims of U.S. Patent No. 10,561,574; U.S. Design Patent No. D855,822; and U.S. Design Patent No. D886,317. The complaint further alleges that a domestic industry exists. The Commission’s notice of investigation named nineteen respondents including WODFitters of Lorton, Virginia and Massimo of Garland, Texas. The notice of investigation also names the Office of Unfair Import Investigations (“OUII”) as a party. On October 16, 2020, the Commission determined not to

review an ID (Order No. 11) granting motions to intervene by third parties Shenzhen Xinde Technology Co., Ltd. and Yongkang Aijiu Industrial & Trade Co., Ltd. in the investigation.

On October 22, 2020, Complainant Hyper Ice filed a motion to terminate the investigation with respect to WODFitters and Massimo based upon settlement agreements. OUII filed a response in support of the motion. No other response was filed.

On November 4, 2020, the ALJ issued an ID granting the motion pursuant to Commission Rule 210.21(b), 19 CFR 210.21(b). *See* Order No. 12 at 1 (Nov. 4, 2020). The ALJ found that the motion to terminate complies with the Commission's rules, and there is no evidence that terminating this investigation by settlement with respect to WODFitters and Massimo would be contrary to the public interest. *Id.* at 3. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID. Respondents WODFitters and Massimo are hereby terminated from the investigation.

The Commission vote for this determination took place on November 20, 2020.

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 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton  
Secretary to the Commission

Issued: November 20, 2020