

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

In the Matter of

**CERTAIN PERCUSSIVE MASSAGE
DEVICES**

Investigation No. 337-TA-1206

**NOTICE OF COMMISSION DETERMINATION TO EXTEND THE DATE BY WHICH
THE COMMISSION DECIDES WHETHER TO REVIEW AN INITIAL
DETERMINATION GRANTING A MOTION TO TERMINATE THE ASSERTED
DESIGN PATENTS FOR LACK OF STANDING**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined to extend the date by which it decides whether to review the presiding administrative law judge’s (“ALJ”) initial determination (“ID”) (Order No. 39) granting a motion to terminate the asserted design patents for lack of standing in the above-captioned investigation to November 12, 2021.

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. 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 names nineteen respondents. 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 May 6, 2021, OUII filed a motion to terminate U.S. Design Patent Nos. D855,822 and D886,317 from the investigation for lack of standing. The ALJ granted the motion on August 17, 2021. *See* Order No. 39 at 17 (Aug. 17, 2021). On August 24, 2021, Complainant Hyper Ice filed a petition for review of the ID. On August 31, 2021, OUII filed a response to the petition.

The Commission has determined to extend the deadline for whether to review the subject ID to November 12, 2021.

The Commission vote for this determination took place on September 16, 2021.

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: September 16, 2021