

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN WEARABLE ELECTRONIC
DEVICES WITH ECG FUNCTIONALITY
AND COMPONENTS THEREOF**

Investigation No. 337-TA-1266

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION SETTING THE TARGET DATE FOR COMPLETION OF THE
INVESTIGATION AT SEVENTEEN MONTHS**

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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 4) setting the target date to complete the above-captioned investigation for October 26, 2022, seventeen months from the Federal Register notice of institution.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3042. 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: On May 26, 2021, the Commission instituted this investigation based on a complaint filed by AliveCor, Inc. of Mountain View, California. 86 FR 28382-88 (May 26, 2021). The complaint alleged violations of section 337 based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain wearable electronic devices with ECG functionality and components thereof by reason of infringement of one or more claims of U.S. Patent Nos. 10,595,731; 10,638,941; and 9,572,499. *Id.* The Commission's notice of investigation named Apple Inc. of Cupertino, California as the sole respondent. The Office of Unfair Import Investigations is named as a party in this investigation. *Id.*

On June 10, 2021, the ALJ issued the subject ID (Order No. 4) setting a seventeen-month target date for completion of the investigation. The ALJ stated that "setting a 16-month target date for this case is impracticable" because of scheduled hearings in January and February in his

other investigations. ID at 2. Given that the target is more than 16 months, the ALJ issued the order as an ID. *See* 19 CFR 210.51(a)(1). No one petitioned for review of the ID.

The Commission has determined not to review the subject ID. The target date for completion of the investigation is set for October 26, 2022, and the deadline for issuing the final ID is June 27, 2022.

The Commission vote for this determination took place on June 29, 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: June 29, 2021