UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of **CERTAIN PNEUMATIC COMPRESSION DEVICES AND COMPONENTS THEREOF**	**Investigation No. 337-TA-1316**

CONSENT ORDER

The United States International Trade Commission ("Commission") instituted the above-captioned investigation ("Investigation") based on allegations contained in the Complaint filed by Complainants Precision Holdings USA Inc. and Innovamed Health LLC (collectively, "Complainants") on April 29, 2022. Complainants filed an Amended Complaint on August 8, 2022. The Complaint and Amended Complaint both allege a violation of section 337 of the Tariff Act of 1930, as amended ("section 337"), based on the alleged importation into the United States, sale for importation, or sale in the United States after importation of certain pneumatic compression devices and components thereof that infringe one or more claims of U.S. Patent No. 10,058,475 ("the '475 parent") and U.S. Patent No. 10,912,704 ("the '704 patent"). This Investigation was instituted on all grounds and to all Respondents identified in the Complaint on June 6, 2022. *See* 87 Fed. Reg. 34299-300 (June 6, 2022).

NOW THEREFORE, the Commission issues the following Consent Order:

1. Pursuant to 19 C.F.R. § 210.21(c)(4)(i), the Complainants in this Investigation are Precision Holdings USA Inc. ("Precision") and Innovamed Health LLC ("Innovamed") (collectively, "Complainants"). Complainant Precision is a company organized and existing under the laws of California, with an address located at 2217 Plaza Dr., Rocklin,

California 95765. Complainant Innovamed is a company organized and existing under the laws of Texas, with an address located at 10 Westelm Garden, San Antonio, Texas 78230-2632.

2. Pursuant to 19 C.F.R. § 210.21(c)(4)(i), the Respondent covered by this Consent Order is Vive Health LLC ("Vive Health"), a company organized and existing under the laws of Florida with a place of business at 8955 Fontana Del Sol Way, 2nd Floor, Naples, Florida 34109-4428.

3. Pursuant to 19 C.F.R. § 210.21(c)(4)(i), the subject articles in this Investigation are certain pneumatic compression devices and components thereof, specifically DVT Pump, CoreTech DVT Pump, that has been imported into the United States, sold for importation, and/or sold within the United States after importation (collectively, the Subject Articles").

4. Pursuant to 19 C.F.R. § 210.21(c)(4)(i), the Complaint and Amended Complaint accuses Vive Health of importing into the United States, selling for importation, and/or selling within the United States after importation Subject Articles in violation of section 337 of the Tariff Act of 1930, as amended, based upon the alleged infringement of claims 16, 17, and 18 of the '475 patent, and claims 1, 3, 4, 11, 12, 13, 14, 15, 18, 19, and 20 of the '704 patent ("Asserted Patent Claims").

5. Pursuant to 19 C.F.R. § 210.21(c)(4)(ii), Vive Health has executed a Consent Order Stipulation.

6. Pursuant to 19 C.F.R. § 210.21(e)(4)(iii), Vive Health shall not sell for importation, import, or sell after importation the Subject Articles, directly or indirectly, and shall not

aid, abet, encourage, participate in, or induce the sale for importation, the importation, or the sale after importation except under consent or license from Complainants, or to the extent permitted by settlement agreement between Vive Health and Complainants.

7. Pursuant to 19 C.F.R. § 210.21(c)(4)(iv), Vive Health shall export or destroy any existing inventories of the Subject Articles in the United States within 30 days of its execution of the Consent Order Stipulation.

8. Pursuant to 19 C.F.R. § 210.21(c)(4)(v), Vive Health shall cease and desist from importing and/or distributing the Subject Articles in the United States.

9. Pursuant to 19 C.F.R. § 210.21(c)(4)(vi), Vive Health shall be precluded from seeking judicial review or otherwise challenging or contesting the validity of the Consent Order.

10. Pursuant to 19 C.F.R. § 210.21(c)(4)(vii), Vive Health shall cooperate with and shall not seek to impede by litigation or other means the Commission's efforts to gather information under Subpart I of 19 C.F.R. Part 210.

11. Pursuant to 19 C.F.R. § 210.21(c)(4)(viii), Vive Health and its officers, directors, employees, agents, and any entity or individual acting on its behalf and with its authority shall not seek to challenge the validity or enforceability of any of the Asserted Patent Claims in any administrative or judicial proceeding to enforce the Consent Order.

12. Pursuant to 19 C.F.R. § 210.21(c)(4)(ix), when any of the Asserted Patents expire, the Consent Order will become null and void as to such Asserted Patent(s).

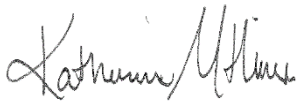
13. Pursuant to 19 C.F.R. § 210.21(c)(4)(x), if any of the Asserted Patent Claims is held invalid or unenforceable by a court or agency of competent jurisdiction, or if any of the Subject Articles have been found or adjudicated not to infringe any of the Asserted Patent

Claims in a final decision, no longer subject to appeal, this Consent Order shall become null and void as to such invalid or unenforceable Asserted Patent Claim(s) or such adjudicated Subject Article(s).

14. Pursuant to 19 C.F.R. § 210.21(c)(4)(xi), Vive Health admits that the Commission has *in personam* jurisdiction over it for the purposes of the Stipulation and this Consent Order, *in rem* jurisdiction over the Subject Articles, and subject matter jurisdiction over this Investigation.

15. Pursuant to 19 C.F.R. § 210.21(c)(4)(xii), this Investigation is hereby terminated with respect to Vive Health; provided, however, that enforcement, modification, or revocation of the Consent Order shall be carried out pursuant to Subpart I of 19 C.F.R. Part 210.

By order of the Commission.



Katherine M. Hiner
Acting Secretary to the Commission

Issued: December 8, 2022