

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

In the Matter of

**CERTAIN WEARABLE
ELECTROENCEPHALOGRAM
DEVICES AND SYSTEMS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1458

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING RESPONDENTS' MOTION FOR SUMMARY
DETERMINATION OF NO INFRINGEMENT**

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. 32) granting Respondents' motion for summary determination of no infringement.

FOR FURTHER INFORMATION CONTACT: Jonathan Link, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3103. 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 August 11, 2025, based on a complaint filed by Ceribell, Inc. of Sunnyvale, California ("Ceribell"). 90 FR 38663-64 (Aug. 11, 2025). 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 wearable electroencephalogram devices and systems and components thereof by reason of infringement of claims 1-7, 9-12, 16-18, 20, and 22-28 of U.S. Patent No. 9,820,670 ("the '0670 patent"); claims 1-19 of U.S. Patent No. 12,150,769 ("the '769 patent"); claims 1-4, 6, 7, 9-11, 14-21, 23-25, 28, and 29 of U.S. Patent No. 12,324,670 ("the '4670 patent"); claims 1-4, 6, 8, 9, and 12-18 of U.S. Patent No. 12,336,826 ("the '826 patent"); claims 1-5, 7, 8, 10-12, 15-18, 22, 24, and 27 of U.S. Patent No. 10,433,756 ("the '756 patent"); and

claims 1, 3-8, 10, 14, and 17-19 of U.S. Patent No. 11,357,434 (“the ’434 patent”). *Id.* at 38663. The complaint further alleges that a domestic industry exists or is in the process of being established. *Id.* The Commission’s notice of investigation named as respondents Natus Medical Incorporated of Middleton, Wisconsin; Excel-Tech Ltd. of Oakville, Ontario, Canada; and Natus Neurology Incorporated of Middleton, Wisconsin (collectively “Respondents”). *Id.* The Office of Unfair Import Investigations (“OUII”) is participating in the investigation. *Id.*

The Commission terminated the investigation based on a withdrawal of the complaint with respect to: (1) claims 2-5, 7, 9-12, 16-18, 20, and 22-28 of the ’0670 patent; (2) claims 1-19 of the ’769 patent; (3) claims 2-4, 6, 7, 9, 10, 14-18, 20, 21, 24, 25, and 29 of the ’4670 patent; (4) claims 2, 3, 6, 8, 9, and 13-18 of the ’826 patent; (5) claims 1-5, 7, 8, 10-12, 15-18, 22, 24, and 27 of the ’756 patent; and (6) claims 3-8, 10, 14, and 17- 19 of the ’434 patent. Order No. 24 (Apr. 7, 2026), *unreviewed by* Comm’n Notice (Apr. 28, 2026); Order No. 28 (May 4, 2026), *unreviewed by* Comm’n Notice (May 22, 2026); Order No. 38 (June 9, 2026), *unreviewed by* Comm’n Notice (July 1, 2026)

On March 10, 2026, Respondents moved for summary determination of no infringement as to certain patents and devices (“Motion”). Specifically, Respondents asserted that there is (i) no infringement of the ’4670 patent by any of Respondents’ devices; (ii) no infringement of the ’0670 patent by Respondents’ Gen Pro #1, Gen Pro #2, and Gen Pro #4 devices; and (iii) no infringement of the ’826 patent by Respondents’ Gen Pro #1 and Gen Pro #2 devices. On April 22, 2026, Complainant filed an opposition to Respondents’ Motion. On April 27, 2026, Respondent filed a response in support of their Motion. On April 28, 2026, OUII filed a response supporting the Motion.

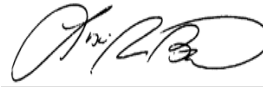
On May 28, 2026, the ALJ issued the subject ID (Order No. 32) granting the Motion. On June 4, 2026, Complainant filed a Petition for Review of Order No. 32 regarding the claim construction and non-infringement analysis of the ’4670 patent, but Complainant did not challenge the ID with respect to the ’0670 patent or the ’826 patent and has therefore waived any challenges regarding those patents. On June 11, 2026, Respondents filed a response to Complainant’s Petition for Review. On June 22, 2026, OUII filed a response to Complainant’s Petition for Review.

The Commission has determined not to review the subject ID.

The Commission vote for this determination took place on July 17, 2026.

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', enclosed within a thin black rectangular border.

Lisa R. Barton
Secretary to the Commission

Issued: July 17, 2026