

**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 TO EXTEND THE WHETHER TO  
REVIEW DATE OF 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 to extend the whether to review date for an initial determination (“ID”) (Order No. 32) granting Respondents’ motion for summary determination of no infringement to July 17, 2026.

**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](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 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, 22-24, 26, and 27 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 18 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). On June 9, 2026, the ALJ issued an initial determination (Order No. 38) granting Complainant’s unopposed motion to withdraw claims 25 and 28 of the ’0670 patent and claims 17 and 19 of the ’434 patent. Order No. 38 is currently before the Commission.

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 its 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. On June 11, 2026, Respondents filed a response to Complainant’s Petition for Review.

On June 8, 2026, OUII requested an extension to file its response to Complainant’s Petition for Review to June 22, 2026. This request was due to the OUII attorney having to attend the evidentiary hearing in the present investigation from June 9-12, 2026, and thus not being able to fully consider and respond to the Petition for Review by the June 11, 2026, due date. On June 9, 2026, the Chair granted OUII’s request to respond to the Petition for Review by June 22, 2026.

In light of the OUII’s response being due on June 22, 2026, as well as the upcoming federal holiday, the Commission has determined to extend the whether to review date for the subject ID to July 17, 2026.

The Commission vote for this determination took place on June 24, 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 large, loopy oval flourish.

Lisa R. Barton  
Secretary to the Commission

Issued: June 24, 2026