

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SMART WEARABLE
DEVICES, SYSTEMS, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1468

**NOTICE OF COMMISSION DETERMINATION TO REVIEW AN
INITIAL DETERMINATION GRANTING SUMMARY DETERMINATION OF
SATISFACTION OF THE ECONOMIC PRONG OF THE DOMESTIC INDUSTRY
REQUIREMENT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review an initial determination (“ID”) (Order No. 22) of the presiding Administrative Law Judge (“ALJ”) granting summary determination that Ouraring Inc. satisfied the economic prong of the domestic industry requirement.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., 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: On December 22, 2025, the Commission instituted this investigation based on an amended complaint filed on behalf of Ouraring Inc. of San Francisco, California. 90 FR 59868-69 (Dec. 22, 2025) (“Ouraring”). The amended complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain smart wearable devices, systems, and components thereof that infringe claims 1, 2, and 12-14 of U.S. Patent No. 11,868,178 (“the ’178 patent”); claims 1-6 and 10-16 of U.S. Patent No. 12,353,244 (“the ’244 patent”); claims 1-8 and 12-16 of U.S. Patent No. 12,346,159 (“the ’159 patent”); and claims 17-19 of U.S. Patent No. 12,222,759 (“the ’759 patent”). *Id.* The amended complaint also alleged that a domestic industry exists. *Id.* The Commission’s notice of investigation named as respondents: Samsung Electronics Co., Ltd. of Suwon-si of the Republic of Korea; Samsung Electronics America, Inc. of Englewood Cliffs,

New Jersey; Reebok International Limited of Altrincham, United Kingdom; RILUK IPCO Limited of Altrincham, United Kingdom; the Original Fit Factory Ltd. of Glasgow, Scotland; Truconnect Ltd. of Glasgow, Scotland; Reebok International Ltd., LLC of Boston, Massachusetts; Zepp Health Corporation of Gorinchem, the Netherlands; Anhui Huami Information Technology Co., Ltd. of Hefei City, China; Zepp Inc. (d/b/a Zepp Health) of Milpitas, California; Zepp North America Inc. of Santa Fe Springs, California; and Nexxbase Marketing Pvt. Ltd. (d/b/a Noise and LunaZone) of Gurgaon, India (“Nexxbase”). *Id.* The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

The Commission previously terminated the investigation with respect to Nexxbase based on the entry of a consent order. Order No. 7 (Jan. 9, 2026), *unreviewed by* Comm’n Notice (Feb. 10, 2026). The Commission also previously terminated the investigation with respect to: (1) claims 2, 13, and 14 of the ’178 patent; (2) claims 3, 6, 12, 13, and 16 of the ’244 patent; (3) claims 1-8 and 12-16 of the ’159 patent (which are all of the asserted claims of the ’159 patent); and (4) claim 19 of the ’759 patent. Order No. 14 (Apr. 6, 2026), *unreviewed by* Comm’n Notice (Apr. 28, 2026).

On May 15, 2026, Ouraring moved for a summary determination that the economic prong of the domestic industry is satisfied. On May 27, 2026, the remaining respondents stated that they do not oppose Ouraring’s motion.

On July 1, 2026, the ALJ issued the subject ID and granted summary determination that Ouraring established the economic prong of the domestic industry requirement for the ’178 patent, ’344 patent, and ’759 patent under subsections 337(a)(3)(A) and (B). ID (Order No. 22) (Jul. 1, 2026). No party petitioned for review of the subject ID.

The Commission has determined to review the subject ID.

Commissioner Karpel would not review the ID as she finds the ID’s analysis to be consistent with the Federal Circuit’s decision in *Wuhan Healthgen*, which requires the Commission to conduct a holistic review of all relevant considerations in the record pertaining to subsections (A), (B), or (C) with respect to the protected DI articles. *Wuhan Healthgen Biotechnology Corp. v. ITC*, 127 F.4th 1334, 1339 (Fed. Cir. 2025) (“A finding of domestic industry cannot hinge on a threshold dollar value or require a rigid formula; rather, the analysis requires a holistic review of all relevant considerations that is very context dependent.”) (citing *Bally/Midway Mfg. Co. v. Int’l Trade Comm’n*, 714 F.2d 1117, 1123 (Fed. Cir. 1983) (“There is nothing in the statute which requires that an industry must be of any particular size.” (cleaned up)); *Certain Printing and Imaging Devices*, Inv. No. 337-TA-690, 2011 WL 1303160, Comm’n Op. at 27 (Feb. 17, 2011) (explaining whether investment activities are significant or substantial “is not evaluated according to any rigid mathematical formula,” but rather requires “an examination of the facts in each investigation, the article of commerce, and the realities of the marketplace”); 134 Cong. Rec. S10711-01, 1988 WL 174536 (Aug. 3, 1988) (“Smaller businesses should not be denied the right to seek relief merely because they may have made smaller financial investments than large companies ...”). Commissioner Karpel does not consider that a finding that the economic prong is met to hinge on consideration of a single fact or comparison but, consistent with *Wuhan*, such a finding requires consideration of all facts

relevant to the determination of whether an industry in the United States exists with respect to articles protected by the patent as demonstrated by significant or substantial investments or employment as specified in subsections (A)-(C).

The Commission vote for this determination took place on July 31, 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 'L.R. Barton', enclosed within a large, loopy oval shape.

Lisa R. Barton
Secretary to the Commission

Issued: July 31, 2026