

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN HOSPITAL BEDS, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-987

**NOTICE OF THE COMMISSION’S DETERMINATION TO REVIEW
AN INITIAL DETERMINATION TERMINATING TWO PATENTS FROM THE
INVESTIGATION; ON REVIEW TO ISSUE A CONSENT ORDER IN COMPLIANCE
WITH THE COMMISSION’S RULES**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review the presiding administrative law judge’s (“ALJ”) initial determination (“ID”) (Order No. 7) terminating U.S. Patent Nos. 7,690,059 and 8,701,229 based on a consent order stipulation and a proposed consent order. The Commission has issued a consent order in compliance with its rules.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2737. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://edis.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 March 4, 2016, based on a complaint and supplements filed on behalf of Stryker Corporation (“complainant”) of Kalamazoo, Michigan. 81 *Fed. Reg.* 11590 (March 4, 2016). The complaint as supplemented alleges violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the sale for importation, importation, or sale within the United States after importation

of certain hospital beds, and components thereof by reason of infringement of certain claims of U.S. Patent No. 7,082,630; U.S. Patent No. 7,690,059 (“the ’059 patent”); U.S. Patent No. 7,784,125; and U.S. Patent No. 8,701,229 (“the ’229 patent”). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337. The complaint names Umano Medical Inc. of Quebec, Canada and Umano Medical World Inc. of Quebec, Canada as respondents (collectively, “respondents”).

On May 24, 2016 complainant and respondents filed a joint motion to terminate the investigation as to the ’059 and ’229 patents based on a consent order stipulation and proposed consent order.

On May 26, 2016, the ALJ granted the motion. Order No. 7. The ALJ found that the consent order stipulation and the proposed consent order comply with the Commission’s rules. *Id.* The ALJ also found that there is no evidence that termination of the investigation as to the ’059 and ’229 patents would be contrary to the public interest. *Id.* at 4. No petitions for review were filed.

The Commission has determined to review the subject ID. The Commission finds that the proposed consent order contains the provision: “The signing of the Consent Order Stipulation and issuance of this Consent Order do not constitute an admission by Umano or a finding of the Commission that an unfair act has been committed.” Pursuant to Rule 210.21(c)(4), this provision is not permitted in the consent order. Accordingly, the Commission has not included this provision in the consent order.

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 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: June 22, 2016