

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN LIGHT-BASED
PHYSIOLOGICAL MEASUREMENT
DEVICES AND COMPONENTS
THEREOF**

Inv. No. 337-TA-1276

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION EXTENDING THE TARGET DATE**

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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 5) extending the target date for completion of the above-captioned investigation to January 16, 2023.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, 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: The Commission instituted this investigation on August 18, 2021, based on a complaint filed on behalf of Masimo Corporation and Cercacor Laboratories, Inc., both of Irvine, CA. 86 FR 46275 (Aug. 18, 2021). The complaint, as amended, alleges 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 light-based physiological measurement devices and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 10,912,501; 10,912,502; 10,945,648; 10,687,745; and 7,761,127. *Id.* The amended complaint further alleges that an industry in the United States exists and/or is in the process of being established as required by the applicable Federal Statute. *Id.* The notice of investigation named Apple Inc. of Cupertino, CA as a respondent. *Id.* at 46276. The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On September 22, 2021, the ALJ issued the subject ID (Order No. 5) extending the target date to January 16, 2023. Based on this target date, the deadline for issuing the final ID is September 16, 2022. The ID states that good cause exists to extend the target date due to rescheduling of the hearing in light of the parties' proposed procedural schedules, the procedures in the Ground Rules, and the ALJ's responsibilities in other investigations. No petitions for review were filed.

The Commission has determined not to review the subject ID. The target date is now January 16, 2023.

The Commission vote for this determination took place on October 12, 2021.

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: October 12, 2021