

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC

In the Matter of

**CERTAIN KINESIOTHERAPY DEVICES
AND COMPONENTS THEREOF**

Investigation No. 337-TA-823

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION GRANTING-IN-PART AND DENYING-IN-PART
COMPLAINANTS' MOTION TO AMEND THE COMPLAINT
AND NOTICE OF INVESTIGATION**

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 initial determination ("ID") (Order No. 21) of the presiding administrative law judge ("ALJ") granting-in-part and denying-in-part complainants' motion to amend the complaint and notice of investigation.

FOR FURTHER INFORMATION CONTACT: Mark B. Rees, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3116. 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 January 10, 2012, based on a complaint filed by Standard Innovation Corporation of Ottawa, ON, Canada and Standard Innovation (US) Corp. of Wilmington, Delaware (collectively, "Standard Innovation"). *77 Fed. Reg.* 1504 (Jan. 10, 2012). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain kinesiotherapy devices and components thereof by reason of infringement of various claims of United States Patent Nos. 7,931,605 and D605,779. The complaint named twenty-one business

entities as respondents, several of which have since been terminated from the investigation based upon consent order stipulations.

On March 30, 2012, Standard Innovation filed a motion for leave to amend the complaint and notice of investigation to identify correctly one respondent and add five new respondents. On April 9, 2012, a group of respondents filed a response opposing the addition of the proposed respondents. The Commission investigative attorney filed a response on April 12, 2012, supporting the requested correction but otherwise opposing the motion at that time.

On April 17, 2012, the ALJ issued the subject ID, granting the motion as it related to the correction, which involved fixing the name of the respondent originally identified as LELO China to Lelo Shanghai Trading Ltd., and otherwise denying the motion. The ALJ found that good cause was demonstrated to correct the mistaken identification and that no prejudice would result because Lelo Shanghai Trading Ltd. is already participating in the investigation. The ALJ further found that good cause was not demonstrated with respect to adding the five proposed respondents because of complainants' delay between learning the identity of these proposed parties and filing the motion for leave to add them as respondents. No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID.

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 section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

A handwritten signature in black ink, appearing to read "J R Holbein". The signature is written in a cursive, flowing style.

James R. Holbein
Secretary to the Commission

Issued: May 18, 2012