

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN KINESIOTHERAPY
DEVICES AND COMPONENTS
THEREOF**

Inv. No. 337-TA-823

**NOTICE OF COMMISSION DETERMINATION TO DENY A MOTION TO STAY
ENFORCEMENT OF THE COMMISSION'S REMEDIAL ORDERS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to deny a motion filed by LELO Inc. of San Jose, California and Leloi AB of Stockholm, Sweden (collectively, "Lelo") to stay the general exclusion order and cease and desist orders issued by the Commission in the above-referenced investigation.

FOR FURTHER INFORMATION: Michael K. Haldenstein, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3041. 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 (<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, as amended (19 U.S.C. § 1337), by reason of infringement of certain claims of United States Patent Nos. 7,931,605 and D605,779 ("the '779 patent"). The complaint named twenty-one business entities as respondents, including Lelo. On July 25, 2012, the Commission determined not to review an ID (Order No. 25) granting complainants' motion to withdraw the '779 patent from the investigation.

On June 17, 2013, the Commission issued its final determination finding that Standard Innovation had proven a violation of section 337 based on infringement of the asserted claims of the '605 patent. Based on evidence of a pattern of violation and difficulty ascertaining the source of the infringing produces, the Commission issued a general exclusion order against certain kinesiotherapy devices that infringe the asserted claims of the '605 patent. The Commission also issued cease and desist orders against certain respondents. The Commission's remedial orders allowed entry under bond during the Presidential review period. The bond was set at zero percent of entered value.

On August 16, 2013, Lelo filed a motion with the Commission seeking to stay the Commission's remedial orders pending their appeal to the United States Court of Appeals for the Federal Circuit. On August 20, 2013, Respondents filed an appeal of the Commission's finding of a violation. The appeal was docketed on August 22, 2013. On August 28, 2013, Standard Innovation and the Commission investigative attorney filed oppositions to the motion.

Having considered the relevant portions of the record, the Commission has determined to deny the motion, as indicated in the accompanying 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Acting Secretary to the Commission

Issued: November 4, 2013