

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN OBSTRUCTIVE SLEEP APNEA
TREATMENT MASK SYSTEMS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1136

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING THE INVESTIGATION
BASED ON SETTLEMENT; TERMINATION 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 presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 10), granting a joint motion to terminate the investigation on the basis of settlement. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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 <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 12, 2018, based on a complaint filed by Fisher & Paykel Healthcare Limited of Auckland, New Zealand ("F&P"). 83 FR 51705 (Oct. 12, 2018). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 in the importation, sale for importation, and the sale within the United States after importation of certain obstructive sleep apnea treatment mask systems and components thereof by reason of the infringement of certain claims of U.S. Patent Nos. 9,333,315; 9,517,317; 9,539,405; 9,907,925; and 9,974,914. The notice of investigation named as respondents ResMed Corp. and ResMed

Inc., both of San Diego, California; and ResMed Limited of Bella Vista, Australia (collectively, “ResMed”). The Office of Unfair Import Investigations did not participate in this investigation.

On February 22, 2019, the parties jointly moved to terminate the investigation based upon settlement.

On March 18, 2019, the presiding ALJ granted the motion as the subject ID (Order No. 10). The ID finds that the motion complies with Commission Rule 210.21, *see* 19 CFR 210.21(a)-(b), and that the settlement agreement will not adversely affect the public interest, 19 CFR 210.50(b)(2). ID at 1-2.

No petitions for review of the ID were filed.

The Commission has determined not to review the 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 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".

Lisa R. Barton
Secretary to the Commission

Issued: April 11, 2019