

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C.**

**In the Matter of**

**CERTAIN FITNESS DEVICES,  
STREAMING COMPONENTS  
THEREOF, AND SYSTEMS  
CONTAINING SAME**

**Investigation No. 337-TA-1265**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING COMPLAINANTS' MOTION FOR PARTIAL  
TERMINATION OF INVESTIGATION**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 15) of the presiding chief administrative law judge (“CALJ”) granting complainants’ motion for partial termination of the investigation with respect to certain claims of U.S. Patent Nos. 10,757,156 (“the ’156 patent”), 10,469,554 (“the ’554 patent”), and 10,469,555 (“the ’555 patent”). In addition, certain claims of the ’156 patent, the ’554 patent, the ’555 patent, and U.S. Patent No. 9,407,564 (“the ’564 patent”) are no longer asserted against certain respondents.

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., 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](mailto: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 under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”) on May 19, 2021, based on a complaint filed by DISH DBS Corporation of Englewood, Colorado; DISH Technologies, L.L.C., of Englewood, Colorado; and Sling TV L.L.C., of Englewood, Colorado (collectively, “DISH”). 86 FR 27106-07 (May 19, 2021). The complaint alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain fitness devices, streaming components

thereof, and systems containing same by reason of infringement of certain claims of the '156 patent, the '554 patent, the '555 patent, the '564 patent; and U.S. Patent No. 10,951,680 (“the '680 patent”). The notice named as respondents ICON Health & Fitness, Inc. and FreeMotion Fitness, Inc., both of Logan, Utah; lululemon athletica inc., of Vancouver, Canada; and Curiouser Products Inc. and Peloton Interactive, Inc., both of New York, New York. The Commission’s Office of Unfair Import Investigations (“OUII”) also was named as a party. Respondent ICON Health & Fitness, Inc. was later renamed to “iFit Inc.” Order No. 14 (Nov. 4, 2021); *unreviewed* Notice (December 6, 2021).

On October 14, 2021, pursuant to Commission Rule 210.21(a)(1), 19 CFR 210.21(a), DISH filed a motion for partial termination of the investigation with respect to allegations of infringement of claims 6, 11, and 12 of the '156 patent, claim 22 of the '554 patent, and claim 17 of the '555 patent. Mot. at 1. Moreover, “DISH no longer intends to assert claims 9 and 12 of the '156 Patent, claim 19 of the '554 Patent, claims 12 and 13 of the '555 Patent, or claim 6 of the '564 Patent as to [ICON Health & Fitness, Inc. (now “iFit Inc.”); Free Motion Fitness, Inc.; NordicTrack, Inc.; and Peloton Interactive, Inc. (‘ICON’)] and [Peloton Interactive, Inc. (‘Peloton’)].” *Id.* The motion indicates that it is unopposed. *Id.* On October 18, 2021, OUII filed a response supporting the motion. No other response was filed.

On November 19, 2021, the CALJ issued the subject ID granting the motion. The ID notes that, pursuant to Commission Rule 210.21(a)(1), DISH states that “there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation.” ID at 3 (citing Mot. at 3; 19 CFR 210.21(a)(1)). The ID finds that DISH’s motion complies with the Commission Rules. *Id.* (citing OUII Resp. at 3). The ID further finds that there are no extraordinary circumstances that warrant denying the motion. *Id.*

The ID notes that DISH continues to assert the following claims against lululemon athletica inc. and Curiouser Products Inc. d/b/a/ MIRROR: claims 1, 3-8, 10, 13-15 of the '564 patent; claims 16-21, 23-25, 30 of the '554 patent; claims 10-16, 26-27 of the '555 patent; claims 1-5, 7-10 of the '156 patent; and claims 14-16, 18-21, 28-29 of the '680 patent.

No party petitioned for review of the ID. The Commission has determined not to review the subject ID. The investigation is terminated as to claims 6, 11, and 12 of the '156 patent, claim 22 of the '554 patent, and claim 17 of the '555 patent. In addition, claims 9 and 12 of the '156 Patent, claim 19 of the '554 Patent, claims 12 and 13 of the '555 Patent, and claim 6 of the '564 Patent are no longer asserted as to respondents ICON Health & Fitness, Inc. (now “iFit Inc.”); Free Motion Fitness, Inc.; NordicTrack, Inc.; Peloton Interactive, Inc.; and Peloton Interactive, Inc.

The Commission vote for this determination took place on December 20, 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', written in a cursive style.

Lisa R. Barton  
Secretary to the Commission

Issued: December 20, 2021