UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of **CERTAIN FITNESS DEVICES, STREAMING COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME**	**Investigation No. 337-TA-1265**

COMPLAINANTS' PETITION TO RESCIND THE LIMITED EXCLUSION ORDER AND CEASE AND DESIST ORDERS AGAINST RESPONDENTS IFIT INC., FREEMOTION FITNESS, INC., AND NORDICTRACK, INC. BASED ON A SETTLEMENT AGREEMENT

Complainants DISH DBS Corporation, DISH Technologies L.L.C., and Sling TV L.L.C. (collectively, "Complainants") petition the Commission to rescind the Limited Exclusion Order and Cease and Desist Orders issued by the Commission on March 8, 2023 in the above-captioned Investigation against Respondents iFIT Inc., FreeMotion Fitness, Inc., and NordicTrack, Inc. (collectively "iFIT") pursuant to 19 U.S.C. § 1337(k) and 19 C.F.R. § 210.76(a). iFIT, the only remaining respondent in the Investigation, supports the relief requested. The Office of Unfair Import Investigations' ("OUII") initial position, based on its current understanding of the facts and the law, is that it supports the relief requested.

Rescission of the Limited Exclusion Order and Cease and Desist Orders against iFIT, and termination of this Investigation as to iFIT, is warranted on the basis of a settlement agreement between Complainants and iFIT ("Settlement Agreement") entered after the Commission issued the Limited Exclusion Order and Cease and Desist Orders against iFIT. A confidential and a public version of the Settlement Agreement are attached to Complainants and iFIT's joint motion for termination of the enforcement proceeding pursuant to 19 C.F.R. § 210.21. There are no other agreements, written or oral, express or implied between the Complainants and iFIT concerning the subject matter of the Investigation.

As detailed in the motion for termination of the enforcement proceeding, the Settlement Agreement resolves the disputes between Complainants and iFIT before the Commission and provides, *inter alia*, for Complainants to seek rescission of the Limited Exclusion Order and Cease and Desist Orders against iFIT and termination of this Investigation as to iFIT. The Settlement Agreement further provides that conduct prohibited by the Commission's Limited Exclusion Order and Cease and Desist Orders against iFIT with respect to certain fitness devices, streaming components thereof, and systems containing same is now authorized by Complainants.

For these reasons, Complainants seek immediate rescission of the Commission's Limited Exclusion Order and Cease and Desist Orders against iFIT in their entirety and termination of this Investigation as to iFIT.

The Settlement agreement constitutes a changed condition of fact and law under Rule 210.76(a)(1). Rescission of a limited exclusion order and cease and desist orders when a respondent's conduct becomes authorized by way of settlement is both in the public interest and supported by Commission precedent. *See, e.g.*, *Certain Digital Video Receivers & Related Hardware & Software* Components, Inv. No. 337-TA-1103, Rescission of Remedial Orders (Nov. 19, 2020); *Certain Beverage Dispensing Systems and Components Thereof*, Inv. No. 337-TA- 1130, Rescission of Remedial Orders (June 3, 2020); *Certain Marine Sonar Imaging Systems, Products Containing the Same, and Components Thereof*, Inv. No. 337-TA-926, Comm'n Notice to Rescind Limited Exclusion Order and Cease and Desist Orders (June 21, 2016); *Certain Integrated Circuits, Processes for Making Same, and Products Containing Same*, Inv. No. 337- TA-450, Comm'n Order (Apr. 23, 2003).

For the reasons set forth above, Complainants respectfully request that the Commission rescind the Limited Exclusion Order and Cease and Desist Orders against iFIT in this Investigation in their entirety.

Dated: March 7, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2024, a copy of the foregoing was filed/served upon the following:

United States International Trade Commission

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Honorable Clark S. Cheney Chief Administrative Law Judge U.S. International Trade Commission 500 E Street, SW Washington, DC 20436 Email: Cheney337@USITC.gov	☐ Via First Class Mail ☐ Via Hand Delivery (by Next Business Day) ☐ Via Overnight Courier ☒ Via Electronic Mail ☒ Via Box

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