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' MOTION TO TERMINATE THE INVESTIGATION AS TO RESPONDENT PELOTON INTERACTIVE, INC. BASED ON A SETTLEMENT AGREEMENT

Complainants DISH DBS Corporation, DISH Technologies L.L.C., and Sling TV L.L.C. (collectively, "Complainants") request termination of the above-captioned Investigation in its entirety based on a settlement agreement between Complainants and Respondent Peloton Interactive, Inc. ("Peloton"). Pursuant to that agreement, Complainants and Peloton have settled all disputes in the underlying investigation. Peloton supports the relief requested. Respondents iFIT Inc., f/k/a ICON Health & Fitness, Inc., FreeMotion Fitness, Inc., and NordicTrack, Inc. (collectively, "iFIT") do not oppose the relief requested. The Office of Unfair Import Investigations ("OUII") will take a position, if any, upon reviewing the submissions as filed.

Commission Rule 210.21(a)(2) provides that "[a]ny party may move at any time to terminate an investigation in whole or in part as to any or all respondents on the basis of a settlement, a licensing or other agreement." 19 C.F.R. § 210.21(a)(2); *see also* 19 C.F.R. § 210.21(b)(1) ("An investigation before the Commission may be terminated as to one or more respondents pursuant to section 337(c) of the Tariff Act of 1930 on the basis of a licensing or other settlement agreement."). There is a settlement agreement between Complainants and Peloton concerning the subject matter of this investigation, which pursuant to 19 C.F.R. 210.21(b)(1), is attached to this motion. *See* Confidential Exhibit A. There are no other agreements, written or oral, express or implied between the parties concerning the subject matter of the Investigation.

Good cause exists to terminate this investigation as to Peloton in view of the settlement agreement. Indeed, Commission policy and the public interest favor the voluntary disposition of an investigation—which preserves the resources of the Commission, the Administrative Law Judge, and the private parties—and termination based on a settlement agreement and/or a consent order is routinely granted. *See, e.g.*, *Certain Earpiece Devices And Components Thereof*, Inv. No. 337-TA-1121, ID, Order No. 15 (Feb. 21, 2019) (granting motion to terminate based on a consent

order and a settlement agreement); *Certain Powered Cover Plates*, Inv. No. 337-TA1124, ID, Order No. 5 (Sept. 26, 2018) (same). The settlement agreement contains confidential business information within the meaning of 19 C.F.R. 210.6(a). Accordingly, Complainants and Peloton request permission to redact their respective confidential business information, and further request that the un-redacted version of the settlement agreement be treated as Confidential Business Information under the Protective Order in this Investigation (Order No. 7) and not publicly disclosed. A redacted version of the settlement agreement is attached hereto as Exhibit B pursuant to 19 C.F.R. 210.21(b)(1) and will be filed publicly.

For the reasons set forth above, Complainants respectfully request that the Commission terminate this Investigation as to Peloton.

Dated: May 3, 2023

Respectfully submitted,

/s/ Lisa M. Kattan

Lisa M. Kattan
Jamie R. Lynn
Thomas C. Martin
Lauren J. Dreyer
Samuel L. Kassa
Andrew Wilson
Eileen Hyde
BAKER BOTTS L.L.P.
700 K Street, NW
Washington, DC 20001
Phone: 202.639.7700

G. Hopkins Guy, III
BAKER BOTTS L.L.P.
1001 Page Mill Road
Building One, Suite 200
Palo Alto, California 94304
Phone: 650.739.7500

Ali Dhanani
Thomas Carter
BAKER BOTTS L.L.P.
910 Louisiana Street

Houston, Texas 77002
Phone: 713.229.1234

Bethany R. Salpietra
BAKER BOTTS L.L.P.
2001 Ross Avenue, Suite 900
Dallas, Texas 75201
Phone: 214.953.6500

Email: DISHABRITC@BakerBotts.com

Attorneys for Complainants DISH DBS Corporation, DISH Technologies L.L.C., and Sling TV L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **COMPLAINANTS' MOTION TO TERMINATE THE INVESTIGATION AS TO RESPONDENT PELOTON INTERACTIVE, INC. BASED ON A SETTLEMENT AGREEMENT** has been filed and served on this 3rd day of May, 2023, on the following:

United States International Trade Commission

The Honorable Lisa R. Barton Secretary to the Commission U.S. INTERNATIONAL TRADE COMMISSION 500 E Street, SW, Room 112 Washington, D.C. 20436	☐ Via First Class Mail ☐ Via Hand Delivery ☐ Via Overnight Courier ☒ Via EDIS
The 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

Office of Unfair Import Investigations

Aaron Rauh, Esq. Commission Investigative Attorney Office of Unfair Import Investigations U.S. International Trade Commission 500 E Street, S.W., Room Washington, D.C. 20436 Email: Aaron.Rauh@USITC.gov	☐ Via First Class Mail ☐ Via Hand Delivery ☐ Via Overnight Courier ☒ Via Electronic Mail ☒ Via Box

Respondents iFIT, Inc.; FreeMotion Fitness, Inc.; and NordicTrack, Inc.

Charles S. Barquist **MASCHOFF BRENNAN** 300 South Grand Ave., Suite 1400 Los Angeles, CA 90071 Tyson K. Hottinger Christina L. Trinh **MASCHOFF BRENNAN** 100 Spectrum Center Drive, Suite 1200 Irvine, CA 92618 Email: icon_mb_dish@mabr.com	☐ Via First Class Mail ☐ Via Hand Delivery ☐ Via Overnight Courier ☒ Via Electronic Mail

Respondents iFIT, Inc.; FreeMotion Fitness, Inc.; and NordicTrack, Inc.

Liane M. Peterson **FOLEY LARDNER LLP**	☐ Via First Class Mail

Washington Harbor 300 K Street N.W., Suite 600 Washington, D.C. 20007-5143 David R. Wright Jared J. Braithwaite Taylor J. Wright **FOLEY LARDNER LLP** 136 S. Main Street, Suite 400 Salt Lake City, UT 84101 Kevin Malaney **FOLEY LARDNER LLP** 777 E. Wisconsin Avenue Milwaukee, WI 53202-5306 iFIT-ITC1265@Foley.com	☐ Via Hand Delivery ☐ Via Overnight Courier ☒ Via Electronic Mail

Respondent Peloton Interactive, Inc.

Josh A. Krevitt Katherine Q Dominguez Allen Kathir **GIBSON, DUNN & CRUTCHER LLP** 200 Park Avenue, 47th Floor New York, NY 10166 Y. Ernest Hsin **GIBSON, DUNN & CRUTCHER LLP** 555 Mission Street San Francisco, CA 94105-0921 Brian M. Buroker Shuo Josh Zhang **GIBSON, DUNN & CRUTCHER LLP** 1050 Connecticut Ave., N.W. Washington, D.C. 20036-5306 Ryan K. Iwahashi **GIBSON, DUNN & CRUTCHER LLP** 1881 Page Mill Road Palo Alto, CA 94304-1211 Email: GDC-Peloton-ITC@gibsondunn.com Alexander D. Chinoy **COVINGTON & BURLING LLP**	☐ Via First Class Mail ☐ Via Hand Delivery ☐ Via Overnight Courier ☒ Via Electronic Mail

One City Center 850 Tenth Street, NW Washington, DC 20001 Email: Cov-Peloton-ITC@cov.com.	

/s/ Steve Liquori

Steve Liquori