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**

JOINT MOTION OF DISH AND MIRROR TO PARTIALLY TERMINATE THE INVESTIGATION AS TO MIRROR BASED ON SETTLEMENT AGREEMENT

Complainants DISH DBS Corporation; DISH Technologies, L.L.C.; and Sling TV L.L.C. (collectively, "DISH") and Respondents lululemon athletica inc. and Curiouser Products Inc. d/b/a MIRROR (collectively, "MIRROR") jointly move to terminate this investigation only as to claims against MIRROR based on a settlement agreement between DISH and MIRROR. Pursuant to that agreement, DISH and MIRROR have settled all disputes in this investigation.

"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." 19 C.F.R. 210.21(b). There is a settlement agreement between DISH and MIRROR concerning the subject matter of this Investigation that, 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.

The Office of Unfair Import Investigations stated that it will take a position on the motion after reviewing the papers as filed.

Good cause exists to terminate this investigation in view of the settlement agreement. The Commission has routinely found settlement to be a proper basis for termination under

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such circumstances. *See, e.g.*, *Certain Active Matrix Oled Display Devices & Components Thereof*, Inv. No. 337-TA-1243, Comm'n Notice (Oct. 28, 2021) (EDIS Doc ID 755387) (partially terminating investigation based on a settlement agreement between the parties); *Certain Smart Thermostats, Smart Hvac Systems, & Components Thereof*, Inv. No. 337-TA-1185, Comm'n Notice (Jul. 1, 2020) (EDIS Doc ID 713726) (same); *Certain Clidinium Bromide & Products Containing Same*, Inv. No. 337-TA-1109, Comm'n Notice (Jun. 28, 2018) (EDIS Doc ID 649111) (same).

Termination of this investigation will not adversely affect the public interest. To the contrary, both the public interest and Commission policy generally favor settlement because it preserves resources for both the Commission and the parties. *See, e.g.*, *Certain Digital Cameras, Software, & Components Thereof*, Inv. No. 337-TA-1059, Comm'n Notice at 3 (Mar. 8, 2019) (EDIS Doc ID 669518) ("[T]he public interest favors settlement to avoid needless litigation and to conserve public and private resources"); *Certain Cartridges for Electronic Nicotine Delivery Systems & Components Thereof*, Inv. No. 337-TA-1141, Order No. 21 at 3 (Apr. 10, 2019) (EDIS Doc ID 672688) (same) (unreviewed); *Certain Consumer Electronics, Including Mobile Phones & Tablets*, Inv. No. 337-TA-839, Order No. 35 at 2 (Feb. 4, 2013) (EDIS Doc ID 502784) ("[T]ermination of litigation under these circumstances as an alternative method of dispute resolution is generally in the public interest and will conserve public and private resources.") (unreviewed).

Request for Non-Disclosure of Settlement Terms

The settlement agreement contains confidential business information within the meaning of 19 C.F.R. 210.6(a). Accordingly, DISH and MIRROR request permission to redact their respective confidential business information, and further request that the un-redacted version of

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the settlement agreement be treated as confidential business information under the Protective Order in this Investigation (Order No. 1) 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.

Conclusion

For the foregoing reasons, DISH and MIRROR respectfully request that the Commission issue a determination terminating this investigation as to MIRROR.

Respectfully submitted,

February 13, 2023

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **JOINT MOTION OF DISH AND MIRROR TO PARTIALLY TERMINATE THE INVESTIGATION AS TO MIRROR BASED ON SETTLEMENT AGREEMENT** has been filed and served on this 13th day of February, 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, S.W. 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

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

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