

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN SMART WEARABLE
DEVICES, SYSTEMS, AND
COMPONENTS THEREOF

Investigation No. 337-TA-1398

COMMISSION OPINION

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I. INTRODUCTION

On June 20, 2025, the Commission determined to review in part the final initial determination (“Final ID”) issued by the presiding administrative law judge (“ALJ”) on April 18, 2025. 90 Fed. Reg. 27054-57 (June 25, 2025). The Commission has determined to affirm the Final ID’s finding that there has been a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“section 337”), with respect to U.S. Patent No. 11,868,178 (“the ’178 patent”). Having found a violation of section 337, the Commission has determined to issue a limited exclusion order (“LEO”) and cease and desist orders (“CDO”) as set forth below. The Commission finds that the public interest factors do not preclude the issuance of these remedial orders. The Commission has determined that a bond of zero percent (0%) (*i.e.*, no bond) is required for infringing products imported during the Presidential review period. This opinion sets forth the Commission’s reasoning in support of that determination.

II. BACKGROUND

A. Procedural History

The Commission instituted this investigation on April 17, 2024, based on a complaint filed by Ouraring, Inc. and Ōura Health Oy (collectively, “Oura,” or “Complainants”). 89 Fed. Reg. 27452-53 (Apr. 17, 2024). The complaint, as amended, alleged violations 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 smart wearable devices, systems, and components thereof by reason of the infringement of certain patent claims. *Id.* at 27452. At the time of the evidentiary hearing, Oura alleged infringement of claims 1, 2, and 12-14 of the ’178 patent.¹

¹ Complainants also initially asserted certain claims of U.S. Patent Nos. 11,868,179 and 10,842,429 but the claims were terminated after Complainants filed unopposed motions for partial termination of the investigation as to those claims. Order No. 13 (July 30, 2024),

The respondents are Ultrahuman Healthcare Pvt. Ltd., Ultrahuman Healthcare SP LLC, and Ultrahuman Healthcare Ltd. (collectively, “Ultrahuman”); and Shenzhen Ninenovo Technology Limited and RingConn LLC (collectively, “RingConn”). Final ID at 3-4. The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. 89 Fed. Reg. at 27452.

The Final ID finds a violation of section 337 based on infringement of all asserted patent claims. 90 Fed. Reg. 27055. The Final ID includes a Recommended Determination on Remedy and Bonding (“RD”), which recommends that the Commission issue a limited exclusion order and cease and desist orders but impose a bond of zero percent (0%) (*i.e.*, no bond) during the Presidential review period. *Id.*; *see* RD at 131-41. Pursuant to the Commission’s delegation of public interest, the RD further recommends that the Commission find the public interest factors do not counsel against granting Oura’s requested relief. RD at 132-36.

On May 22, 2025, Ultrahuman submitted public interest comments pursuant to Commission Rule 210.50(a)(4) (19 C.F.R. § 210.50(a)(4)). Eight submissions were filed on behalf of third parties in response to the Commission’s *Federal Register* notice seeking submissions on the public interest following the issuance of the RD. *See* 90 Fed. Reg. 17449-50 (Apr. 25, 2025).

The Commission determined to review the Final ID’s analysis of the economic prong of the domestic industry requirement, but otherwise determined not to review the Final ID. 90 Fed. Reg. at 27055. The Commission asked the parties to brief several questions regarding the recommended remedy and the public interest factors. *Id.* In addition to the parties’ initial

unreviewed by Comm’n Notice (Aug. 22, 2024); Order No. 15 (Sept. 16, 2024), *unreviewed by* Comm’n Notice (Oct. 7, 2024); Order No. 21 (Dec. 9, 2024), *unreviewed by* Comm’n Notice (Dec. 23, 2024).

responses² and replies,³ the Commission received fifteen submissions from third parties regarding public interest concerns. The Commission also received a letter from Representatives Vern Buchanan and Troy Balderson of the United States House of Representatives, dated August 6, 2025. Respondents filed a response to the letter from Reps. Buchanan and Balderson on August 15, 2025. The Commission has considered all submissions from the parties, third parties, and Members of Congress regarding remedial orders and public interest concerns in making its determination; specific submissions are discussed below.

B. Products at Issue

The products at issue in this investigation are smart wearable devices, specifically smart rings. *See* Notice of Investigation, 89 Fed. Reg. at 27452 (noting that the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “smart ring wearable devices, systems, and components thereof”). The Final ID finds that RingConn’s “Gen. 1” and “Gen. 2” products and the Ultrahuman Ring Air infringe the asserted claims. Final ID at 8, 66-68. RingConn touts its devices as capable of tracking sleep stages and detecting sleep apnea, providing real-time stress insights, vital sign and blood oxygen saturation measurements, activity tracking, and menstrual cycle monitoring using body temperature. CX-0927; *see also* CX-0851 (comparing RingConn and Oura Ring devices).

² Complainants’ Written Submission on the Issues Under Review and on Remedy, the Public Interest, and Bonding (July 7, 2025) (“Compl. Init. Sub.”); Initial Written Submission of the Office of Unfair Import Investigations on the Issues Under Review and on Remedy, the Public Interest, and Bonding (July 7, 2025) (“OUII Init. Sub.”); Respondents’ Written Submission on Remedy, Bond, and the Public Interest (“Resp. Init. Sub.”).

³ Complainants’ Reply Submission on the Issues Under Review and on Remedy, the Public Interest, and Bonding (July 14, 2025) (“Compl. Reply Sub.”); Reply Brief of the Office of Unfair Import Investigations on Remedy, the Public Interest, and Bonding (July 14, 2025) (“OUII Reply Sub.”); Respondents’ Responsive Submission on the Issues of Remedy, Bond, and the Public Interest (July 14, 2025) (“Resp. Reply Sub.”).

Ultrahuman’s device is similar to RingConn’s and provides sleep tracking, stress and recovery analysis, as well as monitoring of skin temperature, heart rate, steps, distance, and calories. CX-0860. Ultrahuman’s ring further advertises the ability to measure heart rate variability, VO2 max, and circadian rhythm, while providing ovulation prediction, recommended caffeine and vitamin D consumption windows, and atrial fibrillation detection. *See* CX-0922 (comparing Oura Ring and Ultrahuman Ring Air features); CX-0860.

Oura relied on its “Gen. 3” and “Gen. 4” rings to satisfy the domestic industry requirement. Final ID at 8-9. Oura’s rings offer many of the same features as the accused products, and the Gen. 3 product offers two different aesthetic designs. Final ID at 9; *see* CX-0922 (discussing features of the Oura ring). Oura and the Respondents operate smartphone apps that pair with their respective devices to collect and analyze data. Final ID at 8-9.

III. COMMISSION REVIEW OF THE FINAL ID

When the Commission reviews an initial determination, in whole or in part, it reviews the determination *de novo*. *Certain Electronic Stud Finders, Metal Detectors and Electrical Scanners*, Inv. No. 337-TA-1221, Comm’n Op. at 9 (Feb. 15, 2022) (citations omitted), *aff’d*, *Zircon Corp. v. Int’l Trade Comm’n*, 101 F.4th 817 (Fed. Cir. 2024). Upon review, the “Commission has ‘all the powers which it would have in making the initial determination,’ except where the issues are limited on notice or by rule.” *Certain Electronic Devices, Including Streaming Players, Televisions, Set Top Boxes, Remote Controllers, and Components Thereof*, Inv. No. 337-TA-1200, Comm’n Op. at 7 (Nov. 10, 2021) (citations omitted), *aff’d*, *Roku, Inc. v. Int’l Trade Comm’n*, 90 F.4th 1367 (Fed. Cir. 2024). With respect to the issues under review, “the Commission may affirm, reverse, modify, vacate, or remand for further proceedings, in whole or in part, the initial determination of the administrative law judge.” 19 C.F.R. § 210.45(c). The Commission also “may take no position on specific issues or portions of the

initial determination,” and “may make any finding or conclusions that in its judgment are proper based on the record in the proceeding.” *Id.*; see also *Beloit Corp. v. Valmet Oy*, 742 F.2d 1421, 1423 (Fed. Cir. 1984).

The Commission determined to review the Final ID’s findings regarding the economic prong of the domestic industry requirement for the ’178 patent. 90 Fed. Reg. at 27055. Oura alleged that an industry exists in the United States with respect to the articles protected by the patent based on Oura’s significant investment in plant and equipment (section 337(a)(3)(A)) and significant employment of labor or capital (section 337(a)(3)(B)). See Final ID at 118. Although Oura need only show a domestic industry under one subsection, the Final ID finds Oura satisfied the statutory requirements as to both subsections. *Id.* at 127-30. On review, the Commission takes no position on whether Oura has satisfied the domestic industry requirement under subsection (A) and affirms the ID’s findings under subsection (B) as modified below.

With respect to Oura’s employment of labor under subsection (B), the Commission finds Oura’s investments in labor to be significant based upon a holistic review of the record, including the number of FTEs, amount of investment, trends in investments, and Oura’s design and development of the Oura Ring in the United States. *Wuhan Healthgen Biotechnology Corp. v. Int’l Trade Comm’n*, 127 F.4th 1334, 1338 (Fed. Cir. 2025) (citing *Lelo*, 786 F.3d at 883). Here, record evidence demonstrates that Oura, whose sole product is the Oura Ring, employs █ people at its two facilities in the United States, where █ people are dedicated to research and development and technical support. Final ID at 124. Together, Oura’s domestic industry investments in research and development and technical support account for approximately █ of its overall U.S. labor investments in the Oura Ring. See Final ID at 124-25; CX-0747C. In addition, while a domestic-to-foreign comparison is not required to establish the economic

prong, Oura further presented evidence to support its domestic industry that its U.S labor in research and development and technical support labor is [REDACTED] of its worldwide research and development and technical support labor in its value-added analysis. *See* Final ID at 127-30; CX-0747C; *see Certain Movable Barrier Operator Sys. & Components Thereof*, Inv. No. 337-TA-1118, Comm’n Op. at 25-26 (Jan. 12, 2021), *aff’d as to the relevant patent, Chamberlain Grp., Inc. v. ITC*, Nos. 2020-1965, 2021-1829, 2023 WL 3115579 (Fed. Cir. Apr. 27, 2023). Moreover, Oura has steadily increased its investments in research and development and technical support essential to its design of the product and development since the launch in October 2021 to reach a total of [REDACTED] in salary and benefits for employees engaged in these activities in the United States between FY 2022 and Q2 FY 2024. Final ID at 126, 130. While Respondents contend that Oura’s global revenues dwarf Oura’s U.S. labor investments, the evidence shows that Oura’s R&D and technical support labor comprises [REDACTED] of its total worldwide revenues, thus undermining Respondents’ contention. *See* Final ID at 123. In view of these facts and the Final ID’s qualitative findings (Final ID at 127-28), the Commission finds that Oura has satisfied the domestic industry based upon significant investment in labor under subsection 337(a)(3)(B).⁴

⁴ In Commissioner Kearns’ view, the significance analysis under section 337(a)(3)(B) should be based on a full picture of all expenses associated with the domestic industry products, not a selective subset of those expenses such as those for research and development (“R&D”) and technical support. *See, e.g., Certain Vaporizer Devices, Cartridges Used Therewith, & Components Thereof*, Inv. No. 337-TA-1368, Comm’n Notice, 2024 WL 3103810, at *3 n.1 (June 20, 2024) (separate views of Commissioner Kearns as to why the economic prong of the domestic industry requirement was satisfied). A selective analysis is inconsistent with Federal Circuit precedent requiring “a holistic review of all relevant considerations.” *Wuhan Healthgen Biotechnology Corp. v. Int’l Trade Commission*, 127 F.4th 1334, 1339 (Fed. Cir. 2025). Labor costs relating to manufacturing activities are certainly a relevant consideration but were entirely ignored in the economic prong analysis.
(Continued on next page)

IV. REMEDY, THE PUBLIC INTEREST, AND BONDING

A. Remedy

When a violation of section 337 has been found, the Commission has “broad discretion in selecting the form, scope, and extent of the remedy.” *Philip Morris Products S.A. v. Int’l Trade Comm’n*, 63 F.4th 1328, 1339-40 (Fed. Cir. 2023). The RD recommends the Commission issue a standard limited exclusion order (“LEO”), rejecting Respondents’ request for various exemptions from the remedial orders. RD at 136-38. The RD further recommends that the Commission issue cease and desist orders as to all Respondents. *Id.* at 138-39. Having considered the totality of the record, including the parties’ submissions to the Commission and the public interest submissions, the Commission has determined to issue a limited exclusion order and cease and desist orders as to all Respondents, with an exemption to the orders for

In this investigation, the domestic industry products (the Oura rings) are manufactured in Finland and Mexico (Final ID at 134), but Complainants did not include foreign manufacturing costs in their arguments for satisfaction of the economic prong. While in some investigations this could prove fatal to a complainant’s burden to satisfy the economic prong requirement, here, the record contains information on domestic industry revenue that can serve as a proxy for the value of the domestic industry products and allow a value-added analysis. Commissioner Kearns finds significant employment of labor under section 337(a)(3)(B) based on the labor costs relating to the salary and benefits of employees providing domestic R&D and technical support activities for the domestic industry products. Such costs, *i.e.*, [REDACTED] from October 2021 to March 2024 (Final ID at 125-26; Tr. (Mulhern) at 488:15-21), are significant in the context of the overall revenue from the domestic industry products, *i.e.*, [REDACTED], during the relevant period (Final ID at 123; Tr. (Mulhern) at 472:22-473:14). He finds the resulting [REDACTED] ratio to be significant in view of the critical nature of the domestic R&D and technical support activities to Oura’s competitiveness and commercial success in the U.S. market. Final ID at 127-28. Moreover, a revenue-based analysis typically overstates the domestic industry products’ value as it includes elements such as profit and shipping, and thus the [REDACTED] figure is an understatement of the value added by the domestic activities. Commissioner Kearns thus finds the economic prong satisfied under subsection (B) with modified analysis, and he does not adopt the Final ID’s analysis of significance.

replacement of devices under warranty for devices that have been purchased by U.S. consumers before the expiration of the period of Presidential review of the orders (19 U.S.C. § 1337(j)).^{5,6}

1. Limited Exclusion Order

Section 337(d)(1) provides that “[i]f the Commission determines, as a result of an investigation under this section, that there is a violation of this section, it shall direct that the articles concerned, imported by any person violating the provision of this section, be excluded from entry into the United States, unless, after considering the [public interest], it finds that such articles should not be excluded from entry.” 19 U.S.C. § 1337(d)(1); *see also Spansion, Inc. v. Int’l Trade Comm’n*, 629 F.3d 1331, 1358 (Fed. Cir. 2010) (“[T]he Commission is required to issue an exclusion order upon the finding of a Section 337 violation absent a finding that the effects of one of the statutorily-enumerated public interest factors counsel otherwise.”). The RD recommends the Commission issue an LEO with the standard certification provision. RD at 137. Respondents request three non-standard provisions and/or clarifying language in the LEO.

⁵ While the Commission may consider the warranty replacement exemption as part of its remedy determination, the Commission will address the parties’ arguments concerning this exemption in the context of the public interest factor regarding U.S. consumers, *infra*, Section IV.B.4. *See Certain Dermatological Treatment Devices and Components Thereof*, Inv. No. 337-TA-1356, Comm’n Op. at 35 n.14 (June 18, 2025) (“As to EndyMed’s arguments regarding an exemption for service and repair, while such exemptions may be considered as part of the Commission’s remedy determination, we address this issue in our consideration of the effect of remedy on U.S. consumers.”).

⁶ Consistent with his views in Investigation No. 337-TA-1265, Commissioner Kearns would limit the exemption to those devices that were purchased by U.S. consumers prior to the issuance of the remedial orders. *See Certain Fitness Devices, Streaming Components Thereof, & Sys. Containing Same*, Inv. No. 337-TA-1265, Comm’n Notice, 2023 WL 3338663, *4 n.2 (May 5, 2023). Commissioner Kearns notes that Respondents are on notice of the remedial orders upon issuance of the orders, and therefore, if Respondents sell infringing rings to U.S. consumers after that date, including during the period of Presidential review, they should bear the risk that they may later be unable to replace any defective rings or that they may have to replace those rings with non-infringing alternatives.

The Commission agrees that the appropriate remedy in this investigation is an LEO with the standard certification provision. We address Respondents' requests below.

First, Respondents argue the Commission should clarify that the remedial orders do not apply to domestically manufactured products or components imported for use in domestic manufacturing. Resp. Init. Sub. at 12, 15-20. More broadly, Respondents seek an exemption for “any activity necessary to domestically manufacture and sell accused products.” *Id.* at 1 (emphasis added). Respondents contend that Ultrahuman is in the process of moving manufacturing of its infringing rings to the United States (to be manufactured by a third party, SVTronics). *Id.* at 14. Respondents further argue that if the current record is insufficient to make the appropriate clarification, Respondents fault the ALJ for excluding such evidence as “premature,” and ask the Commission to hold a hearing to develop the record. *Id.* at 21. Oura and OUII oppose the requested clarification. OUII Init. Sub. at 11-12; Compl. Reply Sub. at 10-11.

The Commission declines to grant Respondents' request. The scope of this investigation as defined in the plain language statement is “smart ring wearable devices, systems, and components thereof.” 89 Fed. Reg. 27452. Thus, the scope of the remedial orders in this investigation are smart ring wearable devices, systems, and components thereof that infringe one or more of claims 1, 2, and 12-14 of the '178 patent. The Commission's standard certification provision “allows persons to certify that, to the best of their knowledge and belief, the products being imported are not excluded from entry.” *Certain Fitness Devices, Streaming Components Thereof, and Systems Containing Same*, Inv. No. 337-TA-1265, Comm'n Op. at 74 (Mar. 23, 2023). The Commission has determined to include the standard certification language in the limited exclusion order, which states:

At the discretion of CBP and pursuant to the procedures it establishes, persons seeking to import articles may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraph 1 of this Order. At its discretion, CBP may require persons who have provided the certification described in this paragraph to furnish such records or analyses as are necessary to substantiate the certification.

The Commission has repeatedly stated that “[t]his standard provision can only be used for products that have been explicitly adjudicated as non-infringing.” *Certain Icemaking Machines and Components Thereof*, Inv. No. 337-TA-1369, Comm’n Op. at 6 (Feb. 27, 2025) (quoting *Certain Composite Aerogel Insulation Materials & Methods for Manufacturing the Same*, Inv. No. 337-TA-1003, Comm’n Op. at 62 (Feb. 22, 2018)). The record in the present investigation shows that no components were adjudicated as non-infringing, and as such, Respondents cannot use the certification to import components under the LEO. However, should Respondents seek to import components of smart rings into the United States, Respondents may seek such an adjudication in the future from the Commission under Commission Rules 210.76 or 210.79, 19 C.F.R. §§ 210.76, 210.79, or they may request a ruling from U.S. Customs and Border Protection (“CBP”) pursuant to 19 C.F.R. Part 177.

Moreover, to the extent there has been no adjudication of any components as non-infringing, it is entirely a result of Respondents’ actions. The record lacks evidence regarding the nature of Respondents’ potential importation of components, alleged domestic manufacturing, or whether such components are non-infringing due to Respondents’ own efforts to exclude such evidence from the hearing in this investigation. During discovery, Oura sought information regarding Ultrahuman’s domestic manufacturing plans, including component sourcing, but was met with vague and sometimes contradictory responses from Ultrahuman’s CEO. *See* Compl. Reply at 11. Respondents fault the ALJ for excluding relevant information

from the hearing record, Resp. Init. Sub. at 21, when in fact *Respondents* moved *in limine* seeking exclusion of evidence regarding the importation of components for domestic manufacturing. *See* Resp. Mot. *in Limine* No. 3 (Mot. No. 1398-018). Noting “it is unclear whether, when, or how [Ultrahuman’s domestic manufacturing plans] may be realized,” the ALJ granted Respondents’ request to exclude this issue from the trial. Order No. 22 at 5 (Dec. 9, 2024).

In lieu of obtaining an adjudication regarding its potential importation of components before the ALJ, Ultrahuman submits declarations from two new witnesses to establish it has begun manufacturing the infringing product domestically: Bhuvan Srinivasan, Ultrahuman’s Chief Business Officer; and Jasmat Sutaria, the CEO of SVTronics, Inc., the entity that Ultrahuman identifies as having been contracted to manufacture Ultrahuman’s infringing product in Texas. *See* Resp. Init. Sub., Ex. 2 (Srinivasan Decl.) and Ex. 5 (Sutaria Decl.). The Commission declines to consider Ultrahuman’s proffered declarations from new witnesses provided after the hearing in view of the ALJ’s findings concerning serious credibility and judgment issues by Ultrahuman and its counsel, and the consequent inability of Oura and OUII to test the veracity of these declarations in adversarial proceedings due to the lateness of Ultrahuman’s submission.⁷ Moreover, because of its litigation strategy of seeking to exclude the

⁷ Respondents’ willingness to blatantly misrepresent the proceedings below is emblematic of the lack of credibility Ultrahuman has shown regarding the domestic manufacturing issue throughout the investigation. The Final ID devotes an entire introductory section to the lack of credibility of Ultrahuman’s CEO, Mohit Kumar. Final ID at 22-28. The Final ID explains that Ultrahuman attempted to introduce at the hearing a “demonstrative” that altered video footage to make it appear that Ultrahuman itself operated a manufacturing facility in Texas. *Id.* at 23-24. External signage was added, internal banners were replaced, and markings on parts were fabricated to make them appear as if they were Ultrahuman branded. *Id.* at 24. Confronted by the distortions uncovered by Oura, Ultrahuman revised the exhibit and ultimately did not present it at trial. *Id.* at 25. The Final ID noted Mr. Kumar still testified in a misleading (at best) manner regarding the Texas facility. *Id.* at 25-26. For their part, Ultrahuman’s counsel denied responsibility for the

evidence concerning this issue through its successful motion *in limine*, Ultrahuman deprived itself of the opportunity to obtain adjudication of the components issue before the ALJ, through which it could have developed a factual record and all of the parties' arguments could have been heard on a timely basis.

The record thus shows that Ultrahuman's alleged plans to move the manufacturing of the infringing products to the United States and to import components were not sufficiently developed to warrant adjudication before the ALJ. *Cf. Certain Road Construction Machines & Components Thereof*, Inv. No. 337-TA-1088, Comm'n Op. at 16 (Sept. 14, 2020) ("The Commission does not adjudicate hypothetical redesigned products but instead requires that any redesigns be fixed in design, . . . imported, and . . . sufficiently disclosed by respondents during discovery.") (internal quotation marks omitted). Ultrahuman's belated attempt to back-door a merits determination as to the scope of the remedial orders under the guise of a remedy determination cannot be sustained at this stage of the investigation. Absent an adjudication on the merits of Ultrahuman's requested exemption, the scope of the remedial orders is typically commensurate with the scope of the investigation. *See Certain Automated Mech. Transmission Sys. for Medium-Duty & Heavy-Duty Trucks & Components Thereof*, Inv. No. 337-TA-503, Comm'n Op. at 4 (May 9, 2005) ("[T]he scope of the remedy is dependent upon the scope of the investigation, which is determined by the notice of investigation.").

altered demonstrative and did not correct Mr. Kumar's testimony. *Id.* at 27. The Commission agrees with the Final ID that "there is no reason why Ultrahuman's counsel or its CEO, Mr. Kumar, should have thought that providing testimony based on an altered video was appropriate," and "Mr. Kumar was not a credible witness." Before the Commission, Respondents continue to defend the altered exhibit as containing "superimposed marketing text." Resp. Reply Sub. at 9.

Second, Respondents ask the Commission to make clear that the orders do not reach its mobile applications or the chargers for the rings. Resp. Init. Sub. at 23-24, 32-33. Oura responds that the Commission often excludes software if “essential to the operation of a physical device and is distributed as part of a system.” Compl. Reply Sub. at 15. OUII notes that even if Respondents are correct that mobile applications are not “articles that infringe,” are not “imported,” and do not practice the claims, then no carve-out is needed because the Commission’s orders do not cover such software. OUII Init. Sub. at 10.

As noted, the scope of the remedial orders is smart ring wearable devices, systems, and components thereof. The scope does not include the mobile applications or ring chargers. Moreover, neither the chargers nor the mobile app were accused or alleged to practice any claim limitation, and Commission LEOs govern the importation of articles, which does not include digital transmission of software. *See ClearCorrect Operating, LLC v. Int’l Trade Comm’n*, 819 F.3d 1334 (Fed. Cir. 2016). Therefore, to the extent Respondents sought an exemption from the remedial orders, no exemption is necessary for their mobile applications or the ring chargers.

Third, Respondents argue the Commission should stay its consideration of the investigation (or stay any orders that issue) until the resolution of a post-grant review of the ’178 patent filed by non-party Samsung and currently pending before the Patent Trial & Appeal Board (“PTAB”). Resp. Init. Sub. at 25-26. The PTAB’s decision in that matter is due December 6, 2025, unless extended for good cause. *Id.* at 25 n.7. OUII and Oura oppose delaying or denying relief on this basis. OUII Init. Sub. at 23; Compl. Init. Sub. at 27; *see also id.* (noting Samsung and Oura may settle before the PTAB decision issues). Regardless of the likelihood of settlement, the Commission has determined not to review the Final ID’s finding that the ’178 patent is not invalid. The pendency of a post-grant review by itself does not warrant delaying

implementation of the remedial orders. *See Certain Semiconductor Devices and Methods of Mfg. Same and Prods. Containing the Same*, Inv. No. 337-TA-1366, Comm’n Op. at 34 (Dec. 5, 2024) (“[T]he Commission normally only suspends its orders if a final written decision finding the claims invalid issues before the Commission issues its orders, not when it issues after.”).

2. Cease and Desist Order

Section 337(f)(1) provides that in addition to, or in lieu of, the issuance of an exclusion order, the Commission may issue a cease and desist order (“CDO”) as a remedy for violation of section 337. *See* 19 U.S.C. § 1337(f)(1). CDOs are generally issued when, with respect to the imported infringing products, respondents maintain commercially significant inventories in the United States or have significant domestic operations that could undercut the remedy provided by an exclusion order. *See, e.g., Certain Tobacco Heating Articles and Components Thereof*, Inv. No. 337-TA-1199, Comm’n Op. at 49 (Sept. 29, 2021), *aff’d*, *Philip Morris Products S.A.*, 63 F.4th at 1332; *Certain Audio Players and Controllers, Components Thereof, and Products Containing Same*, Inv. No. 337-TA-1191, Comm’n Op. at 26 (Jan. 6, 2022), *aff’d*, *Sonos, Inc. v. Int’l Trade Comm’n*, 2024 WL 1507605 (Fed. Cir. Apr. 8, 2024). Complainants bear the burden on this issue. “A complainant seeking a cease and desist order must demonstrate, based on the record, that this remedy is necessary to address the violation found in the investigation so as to not undercut the relief provided by the exclusion order.” *Tobacco Heating Articles*, Comm’n Op. at 49-50 (citations omitted); *Audio Players*, Comm’n Op. at 26-27 (citations omitted); *see also* H.R. REP. NO. 100-40, at 160 (1987).

The RD finds that both RingConn and Ultrahuman maintain commercially significant inventories in the United States. RD at 138 (finding RingConn maintains a domestic inventory representing [REDACTED] of sales, worth [REDACTED]); *id.* at 139 (finding Ultrahuman maintains a domestic inventory representing [REDACTED] of sales, worth [REDACTED]). The RD thus

recommends the Commission issue cease and desist orders as to all Respondents. *Id.* at 138-39. Respondents do not dispute this evidence before the Commission or otherwise challenge the RD's recommendation to issue CDOs. OUII supports the issuance of CDOs. OUII Reply Sub. at 7. For the reasons stated by the RD, the Commission finds CDOs are necessary to address the violation in this investigation so as not to undercut relief provided by the LEO.

B. Public Interest

Section 337 requires the Commission, upon finding a violation of section 337, to issue an LEO "unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry." 19 U.S.C. § 1337(d)(1). Similarly, the Commission must consider these public interest factors before issuing a CDO. 19 U.S.C. § 1337(f)(1).

Under appropriate facts and circumstances, the Commission may determine that no remedy should issue because of the adverse impacts on the public interest. *See, e.g., Certain Fluidized Supporting Apparatus & Components Thereof*, Inv. Nos. 337-TA-182/188, USITC Pub. 1667, Comm'n Op. at 1-2, 23-25 (Oct. 1984) (finding that the public interest warranted denying complainant's requested relief); *see Philip Morris Products S.A.*, 63 F.4th at 1339-1340 (the Commission has "wide latitude for judgment and the courts will not interfere except where the remedy selected has no reasonable relation to the unlawful practices found to exist") (citation omitted). Moreover, when the circumstances of a particular investigation require it, the Commission has tailored its relief in light of the statutory public interest factors. For example, the Commission has allowed continued importation for ongoing medical research, exempted service parts, grandfathered certain infringing products, and delayed the imposition of remedies to allow affected third-party consumers to transition to non-infringing products. *E.g., Certain*

Microfluidic Devices, Inv. No. 337-TA-1068 Comm’n Op. at 1, 22-48, 53-54 (Jan. 10, 2020) (analyzing the public interest, discussing applicable precedent, and ultimately issuing a tailored LEO and a tailored CDO); *Certain Road Milling Machines & Components Thereof*, Inv. No. 337-TA-1067, Comm’n Op. at 32-33 (July 18, 2019) (exempting service parts); *Certain Baseband Processor Chips & Chipsets, Transmitter, & Receiver (Radio) Chips, Power Control Chips, & Prods. Containing Same, Including Cellular Tel. Handsets*, 337-TA-543, USITC Pub. No. 4258, Comm’n Op. at 150-151 (Oct. 2011) (grandfathering certain products); *Certain Personal Data & Mobile Comm’n Devices & Related Software*, 337-TA-710, USITC Pub. No. 4331, Comm’n Op., at 72-73, 80-81 (June 2012) (delaying imposition of remedy).

Section 337 requires the Commission to consider and make findings on the public interest in every case in which a violation is found regardless of the quality or quantity of public interest information supplied by the parties. 19 U.S.C. § 1337(d)(1), (f)(1). Thus, the Commission publishes a notice inviting the parties as well as interested members of the public and interested government agencies to gather and present evidence on the public interest at multiple junctures in the proceeding. 19 U.S.C. § 1337(d)(1) & (f)(1).

Upon the filing of the complaint, the Commission requested public interest submissions. 89 Fed. Reg. 19601-02 (Mar. 19, 2024). In response to this notice, Ultrahuman submitted a detailed public interest statement requesting that the Commission “delegate to the presiding ALJ the authority to collect evidence, hear argument, make factual findings, and issue a Recommended Determination on the public interest” citing debilitating health conditions, critical medical research, and consumer impacts that would be adversely affected. Ultrahuman Pub. Int. Stmt. at 2-5 (Mar. 27, 2024). Having urged the Commission to delegate to the ALJ the fact-finding and the issuance of a recommended determination as to the serious public interest

concerns alleged in its submission, Ultrahuman failed to pursue vigorously the development of an evidentiary record on public interest before the ALJ, offering no third-party witnesses, documentary exhibits, or credible and reliable evidence on this issue at the hearing. *See* RD at 132-36. Nor did Respondents brief this issue in their initial post-hearing brief; rather, they devoted a scant two-paragraphs in their post-hearing reply brief to the issue of public interest compared to their 5-page submission requesting delegation of public interest after the complaint filed. *See* RD at 132; *compare* Resp. Post-Hearing Reply Br. at 119-20 *with* Ultrahuman Pub. Int. Stmt. at 2-5 (Mar. 27, 2024).

After failing to submit any credible and reliable evidence on this issue before the ALJ, Ultrahuman then, in response to the Commission's notices requesting public interest comments after issuance of the RD, filed numerous submissions from third parties. Specifically, Ultrahuman filed eight submissions from third parties in response to the Commission's April 25, 2025 request for public interest comments following the issuance of the RD, and fifteen third-party submissions in response to its June 25, 2025 request in its notice of review of the Final ID. Ultrahuman's failure to produce any documentary evidence in support of its public interest arguments, despite repeated opportunities to do so, seriously calls into question the sincerity of its contentions that issuing remedial orders would adversely affect its customers, research partners, and/or the general public. Nonetheless, the Commission has considered each of the third-party submissions.

The Commission also received a letter from Representatives Vern Buchanan and Troy Balderson of the United States House of Representatives, dated August 6, 2025, sharing their views in support of strong patent enforcement and their concerns for the privacy rights of American citizens. The Commission has considered all of the public comments and the letter

from members of Congress, in addition to the parties' submissions in determining that the issuance of remedial orders in this investigation would not adversely affect the public interest.

The statutory public interest factors are addressed in turn.

1. Public Health and Welfare

Respondents argue that remedial orders would harm the public health and welfare by disrupting ongoing medical studies utilizing Ultrahuman rings.⁸ The RD finds the evidence of record does not support this assertion. RD at 132-33. Based on the record, as supplemented before the Commission,⁹ the Commission finds that excluding Respondents' products would not adversely affect the public health and welfare.

At the outset, the Commission notes that many of the third-party public interest submissions were based on the concern that the Commission's remedial orders would bar users from continuing to use Respondents' rings currently in their possession. *See, e.g.,* Beveridge May 2025 PI Sub. at 1; Tomasevich July 2025 PI Sub. at 4-5. The remedial orders, however, would not prevent consumers from using Respondents' rings that were imported and sold prior to

⁸ Neither the third-party public interest submissions nor Respondents' arguments regarding the public interest factors relate to RingConn's infringing products. The Commission finds that given the availability of reasonable substitute products, the exclusion of RingConn's infringing products would not adversely affect public health and welfare.

⁹ Before the ALJ, Respondents referenced but provided no documentary evidence regarding a long-term study purportedly being conducted by Harvard utilizing the Ultrahuman ring. RD at 132-33. The Commission's notice explicitly requested the parties to submit documentary evidence regarding any studies using or planning to use the accused products, including evidence sufficient to show the goals of the studies, the timelines, how many accused devices are being used, and the availability of reasonable substitutes. 90 Fed. Reg. at 27056. Respondents failed to submit *any* evidence regarding the public health and welfare to the Commission (including as to the Harvard study), and did not attempt to respond to the Commission's questions, except to summarize the third-party submissions, which themselves comprise brief correspondence without documentary support.

the expiration of the period of Presidential review, including those currently used by the athletes and others discussed in the third-party public interest submissions.

Moreover, the record shows that a number of reasonable substitutes for the infringing products are available in the U.S. market, and those substitute products could be used in medical and research applications going forward. There are at least five smart ring alternatives as well as non-ring wearables from companies including Garmin, Fitbit and Whoop available today. OUII Init. Sub. at 2 (collecting record evidence); Compl. Init. Sub. at 19-20. Oura alone could meet any market demand to fill the gap left by the exclusion of the infringing products: Oura has the capacity to scale up its manufacturing to make an additional [REDACTED] rings annually, which far exceeds the annualized sales of [REDACTED] infringing products (Ultrahuman and RingConn combined). Tr. (Mulhern) at 514:12-24; Compl. Init. Sub. at 19; RD at 135.

The record indicates there is nothing unique about the features of the infringing products that cannot be replicated by the alternative devices on the market. OUII Init. Sub. at 3 (cataloging evidence). The only specific functionality identified by Respondents that is not available with other devices is the sleep apnea monitoring feature allegedly provided by RingConn. As the RD notes, however, RingConn failed to provide any evidence to support its claim that it is the only ring with sleep apnea monitoring. RD at 133. Several of the third-party public interest submissions also mention that the Ultrahuman device allows researchers to access the underlying data tracked by device, apart from what is displayed in the app. *See* Aras July 2025 PI Sub. at 2; Eckel July 2025 PI Sub. But as OUII explains, numerous alternative products similarly provide open access to the underlying data tracked by the wearable device. OUII Init. Sub. at 4. Furthermore, while third-party submissions emphasized that the subscription-free model was important for low-income consumers and development-level athletes (Aras May 2025

PI Sub. at 1; Tomasevich May 2025 PI Sub. at 1-2), at least three other smart rings similarly do not require a subscription and thus can be used in lieu of the infringing devices. Compl. Init. Sub. at 22 & n.9. Respondents themselves note that the Oura ring users can access certain functionality without a subscription. Resp. Reply Sub. at 14. And, as Respondents recognize, at least one alternative product (the Oura Gen. 3 ring) is less expensive than the infringing products subject to exclusion. *See* Resp. Init. Sub. at 28 n.9.

As for the four projects specifically discussed in Respondents' briefing to the Commission, the Commission finds the record insufficient to justify exempting infringing imports from the remedial orders for these projects. Respondents first point to a study being conducted by the University of Arizona seeking to identify early warning signs of pre-term labor using Ultrahuman rings. Resp. Init. Sub. at 36; Aras May 2025 PI Sub. at 1-2; Aras July 2025 PI Sub. at 2. The information available in the record indicates the study has not actually settled on a device as of the time of the public interest submissions. Dr. Aras explains that they have purchased 50 devices that "are getting deployed to test feasibility of study logistics." Aras July 2025 PI Sub. at 3. Issuing remedial orders will not impede the use of these previously purchased rings throughout the study if the rings prove feasible.

Respondents also refer to the "UltraNurse UltraStudent" pilot program at Commonwealth University of Pennsylvania. Resp. Init. Sub. at 37; Delbo May 2025 PI Sub. Dr. Delbo explains that they are preparing to launch an educational program this fall to help student and early-career nurses optimize their health. Delbo May 2025 PI Sub. Despite multiple opportunities, Ultrahuman failed to provide any documentary evidence of the program details in response to the Commission's explicit request, such as how many students will be involved in the pilot, and when the rings will be purchased. Moreover, Ultrahuman does not explain why its infringing

rings are necessary for the educational program or why available alternatives to the rings could not be used for monitoring participants' health.

Respondents' and Tanya Abreu's submissions discuss a collaboration between PowerUp Nursing and Ultrahuman, through which Ultrahuman offered discounted rings to nurses at Jackson Health System in Miami Florida as part of a pilot program that began in 2024. Abreu May 2025 PI Sub. at 1. Neither Respondents nor Abreu offer specific, necessary details and information regarding the particulars of the program or partnership that would enable the Commission to determine whether and to what extent an exemption to the remedial orders might be appropriate, or to tailor such an exemption when alternatives to the rings could not be used.

Finally, Kelly Olive submitted a letter on behalf of the Common Ground Community Development ("CGCD") discussing the "Ring in Recovery" program, which intends to use the Ultrahuman ring in connection with recovery from opioid addiction. Olive May 2025 PI Sub. The letter states that CGCD has been "working with Ultrahuman to design a program" integrating the ring for the past six months, but neither CGCD nor Respondents offer details regarding the project, such as a timeline for launch, number of users/devices, and the other detailed information requested in the Commission's notice. *Id.* No further details were provided, and the Commission declines to find that an exemption to the remedial orders is appropriate on the present record. Accordingly, the Commission finds that issuing orders would not adversely affect the public health and welfare.

2. Competitive Conditions in the United States

Respondents argue that Ultrahuman's alleged domestic manufacturing will promote competitive conditions in the United States. Resp. Init. Sub. at 30-32. As discussed *supra*, the credibility issues of Respondents' witness and counsel and the absence of an evidentiary record preclude the Commission from making any findings regarding to what extent Ultrahuman is or

soon will be making its infringing products in the United States. Moreover, this issue is irrelevant to whether barring the importation of *foreign-made* Ultrahuman rings will harm competitive conditions in the United States. OUII and Oura both explained that there are numerous other companies that sell competitive rings (*e.g.*, Oura, Samsung, Circular, Amazfit, and Evie) and non-ring devices (*e.g.*, Samsung, Apple, Garmin, Fitbit, and Whoop) in the United States. OUII Init. Sub. at 21-22; Compl. Init. Sub. at 18-22. The RD agrees, finding “the evidence supports that there are a large number of alternative products on the market.” RD at 134. The Commission agrees with the RD’s factual finding that in view of the numerous competitive products on the market, the exclusion of the infringing products by the remedial orders will not adversely affect competitive conditions in the United States. RD at 134; *see supra* at 18-19 (discussing the numerous available substitute products).

3. The Production of Like or Directly Competitive Articles in the United States

The RD finds that neither the infringing nor the domestic industry products at issue are currently manufactured in the United States. *See* RD at 134 (finding the Ultrahuman Ring AIR is manufactured in India, the RingConn Smart Ring is manufactured in China, and the Oura Ring is manufactured in Finland and Mexico); OUII Init. Sub. at 22. Ultrahuman contends that its contract manufacturer has begun producing some of its rings in the United States. *See* Srinivasan Decl. at ¶ 13. As discussed *supra*, Section IV.A.1 (LEO), given the credibility issues with Ultrahuman’s evidence before the ALJ, the Commission declines to consider a newly submitted declaration from a witness that did not testify at the hearing. *See also* Resp. Reply Sub. at 24 (“Ultrahuman *intends* to produce its products in the United States.”) (emphasis added).¹⁰ In any

¹⁰ If Ultrahuman believes that changed circumstances have occurred, it may pursue its claim in an ancillary proceeding before the Commission pursuant to section 337(k) and Commission Rules 210.76 and 210.79, 19 C.F.R. §§ 210.76, 210.79.

event, even to the extent Ultrahuman may have begun producing some of its rings in the United States, Ultrahuman presents no evidence regarding any harm to the production of such rings or any other domestic production of like or directly competitive products in the United States that would result from remedial orders in this investigation. Accordingly, based on the record presented, we agree with the RD that the relief in this case would not adversely affect the production of like or directly competitive products in the United States. RD at 134.

4. United States Consumers

The RD finds that excluding the infringing products will not adversely affect U.S. consumers because they will continue to have access to many alternative smart rings and wearable devices, and in addition to these alternative sources, Oura alone has sufficient manufacturing capacity to fulfill demand for the infringing products. RD at 134-35. As discussed above, *supra*, Section IV.B.1 (Public Health and Welfare), the Commission agrees.

Respondents request an exemption to the remedial orders for service, repair, and/or replacement of products under warranty. The Commission asked the parties to provide the rationale as to why a service and repair exemption should be included, the evidence supporting the request for an exemption, and an explanation as to why such evidence was not presented to the ALJ. 90 Fed. Reg. at 27055. The Commission sought additional details, such as the terms of the warranties for the merchandise in question, whether the exemption should cover parts or complete replacement of devices, and the temporal cut-off for such an exemption. *Id.* at 27055-56. Based on this record, as supplemented in response to the Commission's notice, the Commission finds that an exemption to the remedial orders to allow for replacement of devices under warranty is appropriate to protect U.S. consumers.

a. Ultrahuman's Alleged Warranties

Ultrahuman offers all customers a one-year warranty as follows:

Ultrahuman offers a limited warranty for a period of one year from the delivery date to the purchaser, against defects in materials and workmanship for new Rings. . . . Within the warranty period, Ultrahuman will repair or replace the defective Ring at no cost to the purchaser, but transportation expenses will be borne by the purchaser. The replacement product may be new or refurbished, depending on Ultrahuman's discretion.

Resp. Init. Sub. at 7; *id.*, Ex. 1 at numbered p. 6. Although the warranty references “repair or replacement,” Ultrahuman only replaces defective devices at this time. Resp. Init. Sub. at 7, 9. Customers can also purchase an extended warranty that provides replacement devices in the event of accidental damage, theft, or loss for two years. Srinivasan Decl., Attach. B at 2. Ultrahuman argues any LEO should include an exemption for importation of replacement devices, and if Ultrahuman begins offering repair services in the future, importation of components for repair purposes. Resp. Init. Sub. at 9.

b. RingConn's Alleged Warranties

RingConn provides a one-year warranty with its infringing devices. Resp. Init. Sub. at 8. The user manual included with each ring states that “RingConn LLC provides a 1-year warranty for your RingConn Smart Ring,” and provides a URL for a website disclosing specific terms. *Id.*; *id.*, Ex. 3 at numbered p. 5. The warranty indicates that RingConn “will repair, replace or refund if the damage is caused by a defect in our workmanship.” Resp. Init. Sub. Xu Chen, the Director of Marketing for RingConn, explains that due to the design of the ring, [REDACTED] [REDACTED] Chen Decl. at ¶ 7.

RingConn also offers an extended warranty program that protects against accidental damage, loss, and theft for up to two years. *Id.* at ¶ 12; Chen Decl., Ex. B.

c. Analysis

Respondents contend that absent an exemption to the remedial orders for replacement of devices under warranty, U.S. consumers would be harmed if their existing device fails within

one year of purchase (or two years, if covered by an extended warranty). Resp. Init. Sub. at 6. Respondents argue that providing a refund to consumers would not make them whole because if they wanted to continue using a wearable device, they would be forced to purchase a new (non-Ultrahuman, non-RingConn) device, which may be more expensive than their original device. *Id.* at 6. Moreover, if a consumer is forced to switch rings, the consumer will also lose access to accumulated healthcare data, analysis, and recommendations. *Id.* at 7. RingConn argues that this concern is particularly acute for its customers because RingConn is the only ring company to provide users with sleep apnea data. *Id.*

Oura and OUII oppose Respondents' request because Respondents failed to present evidence regarding the warranties to the ALJ. Compl. Init. Sub. at 2-4; Compl. Reply Sub. at 2-10; OUII Reply Sub. at 14. Oura objects to Respondents' newly submitted declarations because they set forth new facts, and neither individual testified at the hearing. Compl. Reply Sub. at 1-2. This is particularly problematic in this investigation because the ALJ raised credibility concerns as to several of Respondents' witnesses at the hearing. *Id.* at 2; *see supra*, Section IV.B.1. Oura further argues that if an exemption is granted, it should be limited to devices imported prior to the issuance of the remedial orders. Compl. Init. Sub. at 6; Compl. Reply Sub. at 9-10.

Complainants' and OUII's objection to Respondents' late-submitted declarations is well taken. Therefore, in determining whether to include a warranty exemption, the Commission does not rely on the Srinivasan declaration and credits the Chen declaration only to the extent it supports Complainants' contention that the exemption should be limited to replacement devices because Respondents [REDACTED]. Resp. Init. Sub. at 7, 9; Chen Decl. at ¶ 7; Compl. Reply Sub. at 5. The documentary evidence demonstrates the Respondents offer warranties for replacement of devices under certain terms within one year of purchase (or

two years, in the case of an extended warranty). *See as to Ultrahuman* RPX-0001; CX-0693.0006; CX-0923.0005; *see as to RingConn* RPX-0002; CX-0567.0001; CX-0703.0001. The Commission finds that even if consumers could be made monetarily whole with a refund for the cost of a defective device, U.S. consumers would be harmed if they are forced to switch ring manufacturers and thus lose insights from the accumulated health data and analysis going forward with a new device. Accordingly, the remedial orders will exempt the replacement of rings pursuant to Respondents' warranty obligation,¹¹ for those devices that were purchased by U.S. customers prior to the expiration of the period of Presidential review of the remedial orders.¹²

C. Bonding

If the Commission enters an exclusion order or a cease and desist order, a respondent may continue to import and sell its products during the 60-day period of Presidential review under a bond in an amount determined by the Commission to be "sufficient to protect the complainant from any injury." 19 U.S.C. § 1337(j)(3); see also 19 C.F.R. § 210.50(a)(3). When reliable price information is available in the record, the Commission has often set the bond in an amount that would eliminate the price differential between the domestic product and the imported, infringing product. *See Streaming Players*, Comm'n Op. at 41-42 (citations omitted);

¹¹ Respondents also refer to their trade-in programs, which offer a discount toward the purchase of a new ring if customers trade in another ring or wearable device. Resp. Init. Sub. at 9; Chen Decl. ¶¶ 14-15; Srinivasan Decl. ¶ 10. While remedial orders may render consumers unable to make use of a trade-in discount to purchase new infringing rings from Respondents, lack of access to such discounts does not implicate the same public interest considerations as noted above where consumers would lose access to accumulated health data and analysis if replacement of a defective device were not available and reasonably relied on warranty terms when purchasing the infringing rings. A trade-in discount is thus fundamentally different from replacement of a defective device under warranty.

¹² As explained *supra* note 6, Commissioner Kearns would limit the exemption to those devices that were purchased by U.S. consumers prior to the issuance of the remedial orders.

Tobacco Heating Articles, Comm’n Op. at 77 (citations omitted). The Commission has also used a reasonable royalty rate to set the bond amount where a reasonable royalty rate could be ascertained from the evidence in the record. *See, e.g., id.* Where the record establishes that the calculation of a price differential is impractical or there is insufficient evidence in the record to determine a reasonable royalty, the Commission has imposed a one hundred percent (100%) bond. *See, e.g., id.*

Before the ALJ, Oura requested a bond of 60% to 103% of the Ultrahuman ring, 87% to 137% of the RingConn Gen. 2 ring, and 100% to 154% of the RingConn Gen. 1. Compl. Initial Post-Hearing Br. at 132. In calculating the price differential between the Oura domestic industry products and the infringing products, Oura’s expert included the cost of a three-year subscription as part of the cost of the Oura ring. RD at 140. The RD finds that Oura failed to show what percentage of customers with the Gen. 3 and Gen. 4 Oura rings—the models that practice the ’178 patent—purchase a subscription. *Id.* at 141. Oura presented evidence that it has nearly [REDACTED] worldwide subscribers, but did not show how many of those users are U.S. customers that purchased the domestic industry products in particular. *Id.* The RD thus recommends a bond of zero percent (0%) (*i.e.*, no bond) due to this failure of proof. *Id.*

Oura faults the RD for failing to consider the cost of the subscription because “it is a competitive differentiator in the marketplace,” and a point noted by several public interest submissions. Compl. Init. Sub. at 13. Oura reasons that because the percentage increase in the total number of Oura rings sold between September 2023 and March 2024 ([REDACTED] worldwide, [REDACTED] domestically) is similar to the increase in app subscribers over the same time period ([REDACTED]), the Commission should infer that a majority of consumers also purchase a membership with an Oura ring. *Id.* Oura thus urges the Commission to consider a one-year membership as part of

the cost of ownership of the Oura ring. *Id.* at 15. Oura then calculates the revised price differential to be from 23.4% to 63.0% for Ultrahuman and 40.1% to 103.9% for RingConn devices. *Id.* In the alternative, Oura argues the Commission should calculate a bond without including the Oura subscription cost, which Oura calculates as 43% for Ultrahuman and 78.9% for RingConn. *Id.* at 16; *see also id.* (offering alternative calculations for RingConn).

Respondents urge the Commission to adopt the RD's recommendation of no bond. Resp. Init. Sub. at 26. Respondents argue Oura's alternative price differential theories (one-year subscription, no subscription) are new and thus waived. Resp. Reply Sub. at 12. Respondents also note that consumers can in fact use the Oura products without a subscription, though they cannot access certain analytics. *Id.* at 12, 14. Respondents further argue that Oura's new calculations remain flawed because they cherry-pick high priced models, despite selling lower-priced products, some of which are less expensive than the infringing products. *Id.* at 16.

OUII agrees with the RD and Respondents that Oura failed to present sufficient evidence in support of its requested bond, but nonetheless argues some bond is necessary to protect Oura given the Respondents are direct competitors. OUII Init. Sub. at 13. OUII argues that consumers consider the cost of a subscription in making purchasing decisions, and therefore the subscription cost should be part of the cost comparison for bond purposes. OUII Reply Sub. at 8. OUII further reasons that because the Oura rings come with a one-year warranty, a one-year subscription can reasonably be associated with one ring (as opposed to a three-year subscription, which may cover ownership of multiple rings). OUII Init. Sub. at 14. OUII cites Oura's expert's calculations that using a one-year membership, the bond should be set at 23.4% for Ultrahuman and 40.1% for RingConn. OUII Reply Sub. at 9.

The Commission agrees with the RD that Oura failed to meet its burden to establish that a particular bond is warranted in this case. Before the Commission Oura was still unable to show how many of its U.S. consumers purchased subscriptions or the length of the subscriptions purchased. Moreover, according to Oura, the price of the Oura ring Gen. 4 is \$349 to \$499, depending on the aesthetic design and finish. Compl. Init. Sub. at 15. The Ultrahuman ring is also priced at \$349, and the RingConn devices are between \$279 and \$299. *Id.* However, Oura omits the price of its Gen. 3 ring, which it has discounted to \$199, and thus Oura fails to provide a price differential analysis in the context of the Gen. 3 model, even when the yearly subscription of \$69.99 is considered as proposed by Oura. Compl. Init. Sub. at 10; Compl. Reply Sub. at 18-19; Resp. Init. Sub. at 28 n.9. In this context, we cannot say that Oura showed a price differential necessary to impose a bond during the Presidential review period. Accordingly, the Commission imposes a bond of zero percent (0%) (*i.e.*, no bond) of the entered value of the imported articles.

V. CONCLUSION

Having considered the record in this investigation, for the reasons set forth herein, the Commission determines that Oura has established a violation of section 337 by Respondents with respect to claims 1, 2, and 12-14 of the '178 patent. Accordingly, the investigation is terminated with a finding of violation of section 337. The Commission determines that the appropriate remedy is a limited exclusion order and cease and desist orders as to all Respondents.

The Commission further determines that the public interest does not preclude that remedy, and the bond during the period of Presidential review is set at zero percent (0%) of entered value of the imported articles (*i.e.*, no bond).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', enclosed within a large, loopy oval shape.

Lisa R. Barton
Secretary to the Commission

Issued: September 5, 2025