UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of **CERTAIN LIGHT-BASED PHYSIOLOGICAL MEASUREMENT DEVICES AND COMPONENTS THEREOF**	**Inv. No. 337-TA-1276**

ORDER NO. 58: INITIAL DETERMINATION EXTENDING TARGET DATE BY SIX WEEKS

(September 12, 2022)

Pursuant to Order No. 5 (Sept. 22, 2021), the target date in this investigation was set to Monday, January 16, 2023, which is approximately 17 months from the date of institution. *See* Comm'n Notice, EDIS Doc. ID 754020 (Oct. 12, 2021). An evidentiary hearing was held on June 6-10, 2022. The current deadline for the issuance of an initial determination on violation is Friday, September 16, 2022. *See* Order No. 5 at 2.

The undersigned will require additional time to finalize the initial determination on violation in this investigation. Pursuant to Ground Rule 210.51(a), the target date "can be modified by the administrative law judge for good cause shown." 19 C.F.R. § 210.51(a). There is good cause for an extension because of the complexity of this investigation, which involves five asserted patents and numerous disputed issues with respect to infringement, invalidity, unenforceability, and domestic industry. In addition, the drafting of the final initial determination has been affected by the consideration of numerous post-hearing motions[1] and the

[1] Additional exhibits were admitted pursuant to Order No. 50 (Jun. 16, 2022) and Order No. 56 (Aug. 31, 2022). The hearing transcript was amended pursuant to Order No. 51 (Jun. 23, 2022) and Order No. 52 (Jun. 27, 2022). The parties' post-hearing briefs were amended pursuant to Order No. 54 (Jul. 14, 2022),

undersigned's obligations in other investigations.[2] Accordingly, the target date shall be extended by six weeks to Monday, February 27, 2023. Pursuant to Commission Rule 210.42(a)(1)(i), the final initial determination shall be issued by Thursday, October 27, 2022.

Because the new target date is more than 16 months from the date of institution, this order is being issued as an initial determination pursuant to Commission Rule 210.51(a)(1). 19 C.F.R. § 210.51(a)(1). Pursuant to Commission Rule 210.42(h), this initial determination shall become the determination of the Commission unless a party files a petition for review of the initial determination pursuant to Commission Rule 210.43(a), or the Commission, pursuant to Commission Rule 210.44, orders, on its own motion, a review of the initial determination or certain issues contained herein. 19 C.F.R. § 210.42(d).

SO ORDERED.

Monica Bhattacharyya
Administrative Law Judge

Order No. 55 (Jul. 14, 2022), and Order No. 57 (Aug. 31, 2022). Complainants have filed an additional motion to modify the protective order (Motion Docket No. 1276-055), which is pending.

[2] During the week of June 27–July 1, 2022, the undersigned presided over an evidentiary hearing in the matter of *Certain Flocked Swabs, Products Containing Flocked Swabs, and Methods of Using Same*, Inv. No. 337-TA-1279, with the final initial determination for that investigation currently due on October 3, 2022. On August 12, 2022, the undersigned issued a final initial determination in *Certain Power Inverters and Converters, Vehicles Containing the Same, and Components Thereof*, Inv. No. 337-TA-1267. On August 15, 2022, a *Markman* hearing was held in the matter of *Certain Cellular Base Station Communication Equipment, Components Thereof, and Products Containing Same*, Inv. No. 337-TA-1302.