

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN LIGHT-BASED
PHYSIOLOGICAL MEASUREMENT
DEVICES AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1276

**NOTICE OF A COMMISSION DETERMINATION TO EXTEND THE DUE DATE FOR
DETERMINING WHETHER TO REVIEW THE FINAL INITIAL DETERMINATION
AND TO EXTEND THE TARGET DATE**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined to extend the due date for determining whether to review the final initial determination (“ID”) of the presiding administrative law judge (“ALJ”), from March 13, 2023, to May 15, 2023, and to extend the target date for the completion of this investigation from May 10, 2023, to July 17, 2023.

FOR FURTHER INFORMATION CONTACT: Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3427. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 18, 2021, based on a complaint filed on behalf of Masimo Corporation and Cercacor Laboratories, Inc., both of Irvine, California. 86 FR 46275 (Aug. 18, 2021). The complaint, as amended, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain light-based physiological measurement devices and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 10,912,501; 10,912,502; 10,945,648; 10,687,745; and 7,761,127. *Id.* The amended complaint further alleges that an industry in the United States exists and/or is in the process of being established as required by the applicable Federal Statute. *Id.* The notice of investigation named

Apple Inc. of Cupertino, California as a respondent. *Id.* at 46276. The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On January 10, 2023, the ALJ issued the final ID in this investigation, and on January 24, 2023, the ALJ also issued a Recommended Determination on Remedy and Bonding should a violation be found in the above-captioned investigation.

On January 23, 2023, the parties each filed petitions for review of the final ID, and on January 31, 2023, the parties filed responses to the respective petitions.

The Commission has determined to extend the due date for determining whether to review the final ID, from March 13, 2023, to May 15, 2023, and to extend the target date for the completion of this investigation from May 10, 2023, to July 17, 2023.

The Commission vote for this determination took place on March 13, 2023.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR Part 210).

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: March 13, 2023