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. 59: INITIAL DETERMINATION EXTENDING TARGET DATE

(October 24, 2022)

Pursuant to Order No. 58 (Sept. 12, 2022), the target date in this investigation was extended to February 27, 2023. *See* Comm'n Notice, EDIS Doc. ID 781510 (Oct. 3, 2022). The current deadline for the issuance of an initial determination on violation is Thursday, October 27, 2022. *See* Order No. 58 at 2.

The undersigned will require additional time to prepare 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 continued to be affected by the consideration of post-hearing motions[1] and the undersigned's obligations in other investigations, including an upcoming hearing.[2] Accordingly,

[1] Complainants have filed a motion to modify the protective order (Motion Docket No. 1276-055), which is opposed by Respondent.

[2] The undersigned is completing the final initial determination in the matter of *Certain Flocked Swabs, Products Containing Flocked Swabs, and Methods of Using Same*, which is due October 28, 2022. *See* Inv. No. 337-TA-1279, Order No. 77 (EDIS Doc. ID 782695). The undersigned is also presiding over an

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the target date shall be extended by approximately seven weeks to Wednesday, April 19, 2023.[3] Pursuant to Commission Rule 210.42(a)(1)(i), the final initial determination shall be issued by Monday, December 19, 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

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evidentiary hearing scheduled for the week of December 5-9 in *Certain Cellular Base Station Communication Equipment, Components Thereof, and Products Containing Same*, Inv. No. 337-TA-1302.

[3] A seven-week extension of the target date to Monday, April 17, 2023, would have placed the due date for the final initial determination on Saturday, December 17, 2022. Two additional days were added to set both deadlines on weekdays.