UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.  

Before the Honorable Thomas B. Pender  
Administrative Law Judge  

In the Matter of  
CER TAIN SLEEP-DISORDERED  
BREATHING TREATMENT SYSTEMS  
AND COMPONENTS THEREOF  

Inv. No. 337-TA-890  

NOTICE OF INITIAL DETERMINATION ON VIOLATION OF SECTION 337  
(August 22, 2014)  

On August 21, 2014, I issued an initial determination on violation of Section 337 and recommended determination in the above-referenced Investigation. Below are the Conclusions of Law from that Initial Determination, which are a matter of public record. A complete public version of the Initial Determination will issue after the parties have identified their confidential business information, pursuant to Commission Rule 210.5(f).  

SO ORDERED.  

Thomas B. Pender  
Administrative Law Judge
UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

Before the Honorable Thomas B. Pender
Administrative Law Judge

In the Matter of

CERTAIN SLEEP-DISORDERED
BREATHING TREATMENT SYSTEMS
AND COMPONENTS THEREOF

Inv. No. 337-TA-890

INITIAL DETERMINATION ON VIOLATION OF SECTION 337

(August 22, 2014)


It is also the Initial Determination of this Administrative Law Judge that a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, has not occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain sleep-disordered breathing treatment systems and components thereof, in connection with claims 13, 51, 52, and 55 of U.S. Patent No. 7,926,487.

Conclusions of Law:

1. The Commission has personal jurisdiction over the parties and subject-matter jurisdiction over the accused products.
2. The importation or sale requirement of Section 337 is satisfied.

U.S. Patent No. 7,178,527:

3. The Original iVolve Nasal and New iVolve Nasal infringe claims 1, 9, 32, 89, and 92 of the ’527 Patent, and the iVolve Full Face infringes claim 1 of the ’527 Patent.

4. The domestic industry requirement is satisfied with respect to the ’527 Patent.

5. No claim of the ’527 Patent has been shown to be invalid.

6. There has been a violation of Section 337 with respect to the ’527 Patent.

U.S. Patent No. 7,950,392:

7. The Original iVolve Nasal and New iVolve Nasal infringe claims 19, 21, 29, 32, and 36 of the ’392 Patent, and the iVolve Full Face infringes claims 19, 21, 32, and 36 of the ’392 Patent.

8. The domestic industry requirement is satisfied with respect to the ’392 Patent.

9. No claim of the ’392 Patent has been shown to be invalid.

10. There has been a violation of Section 337 with respect to the ’392 Patent.

U.S. Patent No. 7,997,267:


12. The domestic industry requirement is satisfied with respect to the ’267 Patent.

13. No claim of the ’267 Patent has been shown to be invalid.

14. There has been a violation of Section 337 with respect to the ’267 Patent.

U.S. Patent No. 7,926,487:


16. The domestic industry requirement is satisfied with respect to the ’487 Patent.


19. There is no violation of Section 337 with respect to the '487 Patent.

**U.S. Patent No. 7,341,060:**

20. The Original Willow infringes claims 30, 37, and 38 of the '060 Patent.

21. The domestic industry requirement is satisfied with respect to the '060 Patent.

22. No claim of the '060 Patent has been shown to be invalid.

23. There has been a violation of Section 337 with respect to the '060 Patent.

**U.S. Patent No. 8,312,883:**

24. The Original Willow infringes claims 1, 3, 5, 11, 28, 30, 31, and 56 of the '883 Patent.

25. The domestic industry requirement is satisfied with respect to the '883 Patent.

26. No claim of the '883 Patent has been shown to be invalid.

27. There has been a violation of Section 337 with respect to the '883 Patent.

**U.S. Patent No. RE 44,453:**

28. The InH2 humidifier infringes claims 2, 4, and 7 of the '453 Patent.

29. The domestic industry requirement is satisfied with respect to the '453 Patent.

30. Claims 1, 4, and 7 of the '453 Patent are invalid as anticipated pursuant to 35 U.S.C. § 102.

31. Claim 2 of the '453 Patent has not been shown to be invalid.

32. There has been a violation of Section 337 with respect to the '453 Patent.
IN THE MATTER OF CERTAIN SLEEP-DISORDERED BREATHING TREATMENT SYSTEMS AND COMPONENTS THEREOF

CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached PUBLIC NOTICE INITIAL DETERMINATION has been served upon, The Office of Unfair Import Investigations and the following parties on August 22, 2014.

Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, S.W., Room 112A
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