

CHAIRMAN



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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Washington, D.C. 20436

October 26, 2023

The President  
The White House  
Washington, D.C. 20500

Dear Mr. President:

In accordance with subsection (j) of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337) (“Section 337”), and the July 21, 2005, Memorandum for the United States Trade Representative (70 Fed. Reg. 43251), I am transmitting to you and the United States Trade Representative copies of the Commission’s limited exclusion order and a cease and desist order, as described below, and the record upon which the Commission based its determination.

On October 26, 2023, the United States International Trade Commission issued a limited exclusion order and a cease-and-desist order pursuant to Section 337 in USITC Investigation No. 337-TA-1276, *Certain Light-Based Physiological Measurement Devices and Components Thereof*. The limited exclusion order prohibits respondent Apple, Inc. of Cupertino, California from importing into the United States light-based physiological measurement devices and components thereof that infringe one or more of claims 22 and 28 of U.S. Patent No. 10,912,502 and claims 12, 24, and 30 of U.S. Patent No. 10,945,648 (“covered products”). The cease-and-desist order prohibits respondent Apple, Inc. from further importing, selling, and distributing the covered products in the United States.

The Commission concluded that the statutory public interest factors in subsections (d)(1)

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The President  
October 26, 2023  
page 2

and (f)(1) of Section 337 do not preclude the issuance of this remedy.

Sincerely,

A handwritten signature in black ink, appearing to read "David S. Johanson", with a long horizontal line extending to the right.

David S. Johanson  
Chairman

Enclosures

CHAIRMAN



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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Washington, D.C. 20436

October 26, 2023

The Honorable Janet L. Yellen  
Secretary of the Treasury  
Washington, D.C. 20220

Dear Secretary Yellen:

In accordance with subsection (d) of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337) ("Section 337"), I am transmitting to you a copy of the Commission's limited exclusion order, as described below, and the record upon which the Commission based its determination.

On October 26, 2023, the United States International Trade Commission issued a limited exclusion order and cease and desist orders pursuant to Section 337 in USITC Investigation No. 337-TA-1276, *Certain Light-Based Physiological Measurement Devices and Components Thereof*. The limited exclusion order prohibits respondent Apple, Inc. of Cupertino, California from importing into the United States light-based physiological measurement devices and components thereof that infringe one or more of claims 22 and 28 of U.S. Patent No. 10,912,502 and claims 12, 24, and 30 of U.S. Patent No. 10,945,648 ("covered products").

The Commission concluded that the statutory public interest factors in subsections (d)(1) and (f)(1) of Section 337 do not preclude the issuance of this remedy.

Sincerely,

A handwritten signature in black ink, appearing to read "David S. Johanson", with a long horizontal flourish extending to the right.

David S. Johanson  
Chairman

Enclosures

Secretary Yellen  
October 26, 2023  
page 2

cc: Dax Terrill, Chief  
Exclusion Order Enforcement  
Office of International Trade  
Regulation and Rulings  
U.S. Customs and Border Protection  
90 K Street, N.E.  
Washington, D.C. 20229-1177

CHAIRMAN



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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Washington, D.C. 20436

October 26, 2023

The Honorable Katherine Tai  
United States Trade Representative  
Washington, D.C. 20508

Dear Ambassador Tai:

In accordance with subsection (j) of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337) (“Section 337”), and the July 21, 2005, Memorandum for the United States Trade Representative (70 Fed. Reg. 43251), I am transmitting to you and the President copies of the Commission’s limited exclusion order and cease and desist orders, as described below, and the record upon which the Commission based its determination.

On October 26, 2023, the United States International Trade Commission issued a limited exclusion order and a cease-and-desist order pursuant to Section 337 in USITC Investigation No. 337-TA-1276, *Certain Light-Based Physiological Measurement Devices and Components Thereof*. The limited exclusion order prohibits respondent Apple, Inc. of Cupertino, California from importing into the United States light-based physiological measurement devices and components thereof that infringe one or more of claims 22 and 28 of U.S. Patent No. 10,912,502 and claims 12, 24, and 30 of U.S. Patent No. 10,945,648 (“covered products”). The cease-and-desist order prohibits respondent Apple, Inc. from further importing, selling, and distributing the covered products in the United States.

The Commission concluded that the statutory public interest factors in subsections (d)(1)

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