

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

**In the Matter of**

**CERTAIN SLEEP-DISORDERED BREATHING  
TREATMENT MASK SYSTEMS AND  
COMPONENTS THEREOF**

**Inv. No. 337-TA-1022**

**ORDER NO. 18: INITIAL DETERMINATION TERMINATING THE  
INVESTIGATION**

(May 17, 2017)

Pursuant to 19 C.F.R. § 210.21(a), complainants ResMed Corp, ResMed Inc., and ResMed Ltd (collectively, “ResMed”) filed a motion seeking to terminate this investigation in its entirety based on the withdrawal of the complaint, and a memorandum in support thereof.

Motion Docket No. 1022-021. The pending motion is unopposed. *See Mot.* at 1.

Commission Rule 210.21(a)(1), which permits termination of an investigation based on withdrawal of a complaint or certain allegations contained in the complaint, provides in part:

Any party may move at any time prior to the issuance of an initial determination on violation of section 337 of the Tariff Act of 1930 to terminate an investigation in whole or in part as to any or all respondents, on the basis of withdrawal of the complaint or certain allegations contained therein.

19 C.F.R. § 210.21(a)(1).

The evidentiary hearing in this investigation is scheduled to begin next week, and granting this motion would avoid trial and post-trial procedures, as well as conserve judicial and party resources. *See Mem.* at 7. Further, pursuant to Commission Rule 210.21(a)(1), ResMed states: “There are no agreements, written or oral, express or implied between ResMed and Respondents concerning the subject matter of the Investigation.” *See Mem.* at 8 n.1. In addition, there are no extraordinary circumstances that warrant denying the motion.

Accordingly, it is my initial determination that Motion No. 1022-021 is GRANTED.

This investigation is terminated in its entirety, and the procedural schedule is suspended pending final resolution of this motion by the Commission.

Pursuant to 19 C.F.R. § 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 19 C.F.R. § 210.43(a), or the Commission, pursuant to 19 C.F.R. § 210.44, orders on its own motion a review of the initial determination or certain issues herein.

**SO ORDERED.**

A handwritten signature in black ink, reading "Thomas B. Pender", with a long horizontal flourish extending to the right.

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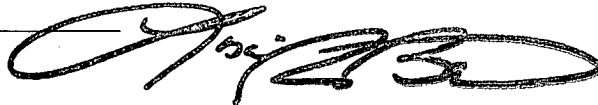
Thomas B. Pender  
Administrative Law Judge

**IN THE MATTER OF CERTAIN SLEEP-DISORDERED,  
BREATHING TREATMENT MASK SYSTEMS AND  
COMPONENTS THEREOF**

**337-TA-1022**

**CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **PUBLIC INITIAL DETERMINATION ORDER NO. 18** has been served upon the following parties via first class mail and air mail where necessary on           **MAY 17 2017**          



Lisa R. Barton, Secretary  
U.S. International Trade Commission  
500 E Street, SW, Room 112A  
Washington, DC 20436

**FOR COMPLAINANTS ResMed Corp; ResMed INC. & ResMED LTD.**

Richard A. Sterba, Esq..  
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Washington, DC 20005

- ( ) Via Hand Delivery
- Via Express Delivery
- ( ) Via First Class Mail
- ( ) Other: \_\_\_\_\_

**FOR RESPONDENTS FISHER & PAYKEL HEALTHCARE LIMITED,  
FISHER & PAYKEL HEALTHCARE INC., & FISHER & PAYKEL HEALTHCARE  
DISTRIBUTION INC.**

Sheila N. Swaroop, Esq.  
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- ( ) Via Hand Delivery
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- ( ) Other: \_\_\_\_\_