

ITC enters consent decree against Apex on ResMed request

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Singapore: A US government investigation started at the request of ResMed against Taiwanese manufacturer Apex Medical has resulted in an administrative law judge at the International Trade Commission (ITC) determining that the ITC should enter a consent decree against Apex stopping the importation and sale of infringing Apex products.

The original action, filed by ResMed in March 2013 with the ITC, asserted patent infringement by two Apex masks and two Apex flow generators, including Apex WiZARD 210 and WiZARD 220 masks; and the Apex iCH and XT Fit flow generators.

The ITC case against Apex also named Medical Depot, doing business as Drive Medical Design and Manufacturing (Drive). The same ITC administrative law judge previously determined that the ITC should enter a consent decree against Drive thereby ordering it to stop importation and sales of the Freedom 210 and Freedom 220 masks made by Apex, which are identical to the WiZARD masks.

Mr David Pendarvis, global general counsel and chief administrative officer, ResMed, said that, "We appreciate but are not surprised by the swift conclusion of this case against both Apex and Drive Medical Design. This result is a testament to the strength of ResMed's intellectual property; our innovation is a significant market differentiator that puts comfortable and effective patient care first. We will continue to defend our patents and innovations against any future threats."