

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

APPLE INC.,
Appellant

v.

INTERNATIONAL TRADE COMMISSION,
Appellee

**MASIMO CORPORATION, CERCACOR
LABORATORIES, INC.,**
Intervenors

2024-1285

Appeal from the United States International Trade
Commission in Investigation No. 337-TA-1276.

ON MOTION

Before LOURIE, PROST, and TARANTO, *Circuit Judges*.

PER CURIAM.

ORDER

Apple Inc. moves to stay, pending appeal, the International Trade Commission's limited exclusion order and

cease-and-desist order (“the Remedial Orders”). The International Trade Commission and intervenors (Masimo Corporation and Cercacor Laboratories, Inc.) oppose.

Apple requested a decision from the Exclusion Order Enforcement Branch of U.S. Customs and Border Protection (“the EOE Branch”) on whether redesigned versions of the relevant Apple watch products were subject to the Remedial Orders. Stay Mot. at 2. After Apple filed its motion for a stay in this court, the EOE Branch concluded that Apple’s redesigned products are not subject to the Remedial Orders.

Rule 18 of the Federal Rules of Appellate Procedure authorizes this court to grant a stay pending this appeal. Our determination is governed by four factors: (1) whether the movant has made a strong showing of likelihood of success on the merits; (2) whether the movant will be irreparably harmed absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *See Nken v. Holder*, 556 U.S. 418, 434 (2009).

Having considered all four factors, and the recent EOE Branch ruling, we lift the interim stay and deny Apple’s motion. We reach no conclusion on the merits of the appeal.

Accordingly,

IT IS ORDERED THAT:

The motion is denied. The interim stay shall be lifted as of 5:00 pm E.T. on January 18, 2024.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

January 17, 2024
Date