



Subject: Urgent Appeal: Protecting American Innovation

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December 17, 2023

The Honorable Joseph Biden, President of the United States  
The White House  
1600 Pennsylvania Avenue NW  
Washington, D.C. 20500

Dear President Biden,

I am writing to you on behalf of US Inventor, an organization representing 80,000 American innovators, to urgently bring to your attention the critical issues surrounding the International Trade Commission (ITC) Investigation No. 337-TA-1276 ruling that Apple Inc. violated Section 337 of the Tariff Act of 1930 by importing and selling within the United States certain Apple Watches with light-based pulse oximetry functionality and components, which infringe Masimo's pulse oximeter patents.

Masimo was founded by Joe Kiani, an American inventor and entrepreneur. Kiani's innovative ideas have significantly advanced the medical field. Masimo is, today, a distinguished US manufacturing company employing 10,000 American workers.

The recent partial ban granted by the ITC to halt the import of Apple watches, manufactured in China, has been misconstrued by former Senator Leahy. He misleadingly labels Masimo as a so-called patent troll, a cartoonish characterization generally intended to disparage the patent holder as not worthy of protection by U.S. patent laws. He ironically and implausibly bases his argument on the premise that stopping the import of foreign made infringing products is somehow good for domestic manufacturers. It is not.



The appearance that former Senator Leahy is attempting to influence your decision on whether to veto the ITC decision is deeply concerning. His focus on outdated false narratives, and his potential ties to big tech companies raises questions about the true motivations behind his advocacy for ITC reform.

Among the ITC's primary purposes, it is to protect U.S. manufacturers from imports that infringe their U.S. patents. *"The Commission investigates and makes determinations in proceedings involving imports claimed to injure a domestic industry or violate U.S. intellectual property rights..."*

Former Senator Leahy's statements suggest an alarming disregard for the crucial role the ITC plays in safeguarding American businesses from foreign counterfeits and protecting domestic jobs. The ITC exclusion order against Chinese manufactured Apple products that infringe Masimo patent is exactly within the ITC's authority and mission. It protects a U.S. manufacturer, Masimo, from Chinese manufactured imports branded as Apple products.

We urge you to consider the broader implications for American innovation and jobs and support the ITC exclusion order. We ask that you recognize the importance of protecting intellectual property rights from infringing imports, thus fostering a fair and competitive landscape for innovators, and ensuring that the ITC continues to play a vital role in safeguarding American interests.

Thank you for your time and consideration. We look forward to witnessing a decision that upholds the principles of fairness, innovation, and American economic prosperity.

Sincerely,

Paul Morinville, Founder  
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