# Apple dodges a second Apple Watch ban

AliveCor has suffered another setback in its long-running patent case against Apple. Today, the US Court of Appeals for the Federal Circuit has upheld a decision that the medical device maker's EKG patents are not actually patentable. As a result, the Apple Watch won't face a second import ban from the International Trade Commission (ITC).

This back and forth between AliveCor and Apple began in 2021. AliveCor went to the ITC claiming Apple had infringed on its EKG patents. The ITC ruled in AliveCor's favor, recommending an import ban that would've prevented the sale of Apple Watches with the EKG feature in the US. However, it didn't immediately go into effect because the Patent Trial and Appeal Board also ruled that the three patents in question weren't valid. For the import ban to go forward, AliveCor would've had to win its appeal of the PTAB decision — which it didn't.

"We are deeply disappointed by the Court's decisions this morning and that the Court did not review the available secondary considerations, which the ITC found to be persuasive in their finding of validity," says Sanjay Voleti, AliveCor's chief business officer. "We will continue to explore all available legal options, including potential appeals, to defend our position that our patents are valid and that Apple infringed our intellectual property rights."

"We thank the Federal Circuit for its careful consideration in this case. Apple's teams have worked tirelessly over many years to develop industry-leading health, wellness and safety features that meaningfully impact users' lives, and we intend to stay on this path," Apple spokesperson Fred Sainz tells *The*

*Verge*.

AliveCor used the same legal strategy as Masimo, another medical device maker. However, Masimo *was* successful in its bid to get an ITC import ban against the Apple Watch. The main difference is Masimo’s patents were over the Apple Watch’s blood oxygen sensor, not its EKG tech. To get around the ITC import ban, Apple now disables the blood oxygen sensor in Apple Watches newly sold in the US.

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