

What the ITC's ruling on Apple's patent violation means for competitors

Article

The news: An International Trade Commission (ITC) judge ruled **Apple** violated medical wearable company **AliveCor's** patent for its EKG technology, per Reuters.

- The commission is expected to vote on a final decision in October, which could lead to an import ban of Apple Watches in the US.

How we got here: Last year, AliveCor filed a complaint against Apple with the ITC, alleging the Apple Watches 4, 5, and 6 are squashing competition by infringing on three of AliveCor's EKG tech patents.

Apple and AliveCor were once partners.

- AliveCor teamed up with Apple in 2016 to pair the **AliveCor KardiaBand** with the Apple Watch for EKG readings.
- In 2019, AliveCor stopped selling its KardiaBand Apple Watch accessory after Apple incorporated similar EKG functionality into the Apple Watch 4.
- Prior to filing a complaint with the ITC, AliveCor filed a lawsuit against Apple claiming the Apple Watch Series 4, 5, and 6 violated its three EKG tech patents.

What's next? If the ITC imposes an Apple Watch ban, it could move consumers to AliveCor's more affordable health trackers—and close the large gap between interest in fitness trackers and inability to purchase due to cost.

- **Over half of US adult consumers say they'd be interested in using a tracker** like the Apple Watch or Fitbit, per a recently published study by researchers at the NIH's **All of Us Research Program**.
- But **many (49%)** who are interested in health trackers **don't have one because of the high cost**.
- For context, AliveCor's KardiaMobile device costs around **\$79**, or **\$9.99** with a monthly subscription, while Apple Watch can cost upward of **\$399**.

Zooming out on the bigger problem: Reliance on expensive wearables could be exacerbating the lack of diversity in clinical trials.

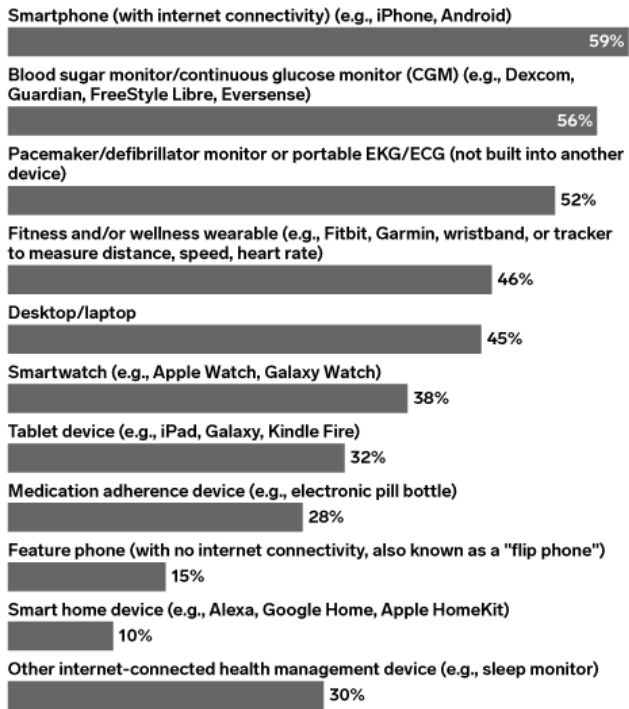
The NIH's All of US program determined the majority of people sending data from their health devices to the NIH were white and had a higher socioeconomic status.

- After surveying 1,000 patients at underserved facilities, researchers found that in addition to cost factors, many don't have wearables like Fitbit or Apple Watches because they didn't know how to use the devices.
- The majority of individuals in the study were **Hispanic (40%) and Black (36%), while 15% were Non-Hispanic white**. That means wearable ownership isn't always equitable and could

be playing a role in underrepresentation in research.

Devices that US Patients* Use Regularly to Manage Their Health Conditions/Overall Health and Wellness, Nov 2020**

% of respondents



Note: ages 18+; *among chronic health patients who own one or more health/wellness apps on their device; **includes diet, fitness, weight management, sleep, etc.
Source: Health Union, "The Connected Health 2020," Jan 21, 2021