

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN AUTOMATED STORAGE
AND RETRIEVAL SYSTEMS, ROBOTS,
AND COMPONENTS THEREOF**

Inv. No. 337-TA-1228

**NOTICE REGARDING INITIAL DETERMINATION
ON VIOLATION OF SECTION 337**

(December 13, 2021)

On this date, the undersigned issued an initial determination on violation of section 337 and a recommended determination on remedy and bonding in the above-captioned matter.¹ For the reasons discussed therein, it is the undersigned's final initial determination that there is no violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and/or the sale within the United States after importation of robots, grid systems (including tracks on top to allow for the movement of the robots), storage bins, controllers, and components (including software), with respect to the '525 patent, the '239 patent, the '478 patent, or the '025 patent.

This determination is based on the following conclusions of law:

1. The Commission has subject matter jurisdiction over this investigation, *in personam* jurisdiction over Respondents, and *in rem* jurisdiction over the accused automated storage and retrieval systems, robots, and components thereof.

¹ The determination has been issued with a confidential designation. A public version shall issue within 30 days, or in the time necessary to identify and redact the confidential business information therein, pursuant to Commission Rule 210.5(f).

2. There has been an importation into the United States, sale for importation, or sale within the United States after importation of the accused products by each Respondent.

3. The accused products infringe claims 1 and 6 of the '525 patent; claims 1, 2, and 7-13 of the '239 patent; and claim 19 of the '478 patent.

4. The accused products do not infringe claims 19 and 20 of the '025 patent.

5. The domestic industry products practice 1 and 6 of the '525 patent; claims 1, 2, and 7-13 of the '239 patent; claim 19 of the '478 patent; and claims 2-4 and 19 of the '025 patent.

6. Claims 2-5 of the '525 patent and claims 5, 6, 14, and 15 of the '239 patent are invalid as indefinite.

7. Claims 1 and 6 of the '525 patent; claims 1, 2, and 7-13 of the '239 patent; and claim 19 of the '478 patent are invalid for failure to comply with the written description requirement and the enablement requirement.

8. Claims 1 and 6 of the '525 patent; claims 1, 2, and 7-13 of the '239 patent; and claim 19 of the '478 patent are not invalid as anticipated or obvious.

9. The '525 patent, '239 patent, and '478 patent are not unenforceable due to inequitable conduct or equitable estoppel.

10. The '025 patent is not invalid for lack of enablement and improper inventorship.

11. Complainants satisfy the economic prong of the domestic industry requirement.

SO ORDERED.



Charles E. Bullock
Chief Administrative Law Judge