

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MOTORIZED
SELF-BALANCING VEHICLES**

Investigation No. 337-TA-1000

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO RESPONDENT
GENIUS TECHNOLOGIES A.K.A. PRIME CAPITAL FOR GOOD CAUSE**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 27) of the presiding administrative law judge (“ALJ”), terminating the above-captioned investigation as to Genius Technologies a.k.a. Prime Capital (“Genius Technologies”) of Hastings, Minnesota for good cause.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, D.C. 20436, telephone (202) 708-2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 26, 2016, based on a complaint filed on behalf of Razor USA LLC of Cerritos, California; and Inventist, Inc. and Shane Chen, both of Camas, Washington. 81 FR 33548-49. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of certain claims of U.S. Patent No. 8,738,278. The complaint further alleges violations of section 337 based upon false advertising, misrepresentation, and unfair competition, the threat or effect of which is to destroy or substantially injure an industry in the United States or to prevent the establishment of such an industry. The Commission’s notice of investigation named several respondents including Genius Technologies. The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *Id.*

On November 22, 2016, the complainants moved to terminate the investigation as to Genius Technologies for good cause pursuant to Commission Rule 210.21(a)(1). The complainants submit that neither they nor the Commission has been able to confirm service of any documents in this investigation on Genius Technologies. Accordingly, complainants submit that termination of the investigation as to this respondent is for “good cause” so as not to burden the investigation with this unreachable named respondent when it is time for the investigation to conclude. OUII supported the motion and no party opposed the motion.

The ALJ issued the subject ID on December 15, 2016, granting the motion for termination as to Genius Technologies for good cause. He found that good cause had been shown since failing to terminate the investigation as to Genius Technologies under these circumstances would leave this respondent in limbo because no service can be made on them. He further found that termination of Genius Technologies is in the public interest so that the investigation can proceed to a speedy conclusion and to conserve public and private resources. No petitions for review were filed.

The Commission has determined not to review the ID.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in part 210 of the Commission’s Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: January 17, 2017