

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN PERSONAL
TRANSPORTERS, COMPONENTS
THEREOF, AND PACKAGING AND
MANUALS THEREFOR**

And

**CERTAIN PERSONAL
TRANSPORTERS AND COMPONENTS
THEREOF**

**Investigation No. 337-TA-1007
Investigation No. 337-TA-1021
(Consolidated)**

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANTS' MOTION TERMINATING THE
INVESTIGATION AS TO RESPONDENT INVENTIST, INC. BASED ON A
CONSENT ORDER STIPULATION AND PROPOSED CONSENT ORDER**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review an initial determination ("ID") (Order No. 25) of the presiding administrative law judge ("ALJ") terminating the investigation as to respondent Inventist, Inc. based on a consent order stipulation and proposed consent order.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3115. 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, S.W., 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 Inv. No. 337-TA-1007, *Certain Personal Transporters, Components Thereof, and Packaging and Manuals Therefor* under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“section 337”), on June 24, 2016, based on a complaint filed by Segway, Inc. of Bedford, New Hampshire; DEKA Products Limited Partnership of Manchester, New Hampshire; and Ninebot (Tianjin) Technology Co., Ltd. of Tianjin, China (collectively, “Complainants”). 81 *Fed. Reg.* 41342-43 (Jun. 24, 2016). The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 6,302,230; 6,651,763; 7,023,330; 7,275,607; 7,479,872; and 9,188,984; and U.S. Trademark Registration Nos. 2,727,948 and 2,769,942. The notice of investigation named numerous respondents. The Commission’s Office of Unfair Import Investigations was named as a party.

On September 21, 2016, the Commission instituted Inv. No. 337-TA-1021, *Certain Personal Transporters and Components Thereof*, based on a complaint filed by the same Complainants. 81 *Fed. Reg.* 64936-37 (Sept. 21, 2016). The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 6,302,230 and 7,275,607. The notice of investigation named numerous respondents. OUII was also named as a party. The Commission assigned Investigation No. 337-TA-1021 to ALJ Shaw, the presiding ALJ in Investigation No. 337-TA-1007, and directed him to consolidate these investigations. *See id.* at 64937.

On January 17, 2017, Complainants and respondent Inventist, Inc. (“Inventist”) filed a joint motion to terminate this investigation based on consent order stipulation and proposed consent order (“Joint Motion To Terminate”). The Commission investigative attorney filed a response in support of the motion. No other responses were filed.

On January 30, 2017, the ALJ issued an ID (Order No. 25). The ALJ found that Consent Order Stipulation complies with the requirements of Commission Rule 210.21(c)(3), and that the proposed Consent Order complies with the requirements of Commission Rule 210.21(c)(4). Order No. 25 at 2 (citations omitted). The ALJ stated that he did not find any evidence that terminating this investigation as to Inventist based on the Consent Order Stipulation and the proposed Consent Order would be contrary to the public interest. *Id.* at 3. Based on the foregoing, the ALJ granted the motion. No party petitioned for review of the subject ID.

The Commission has found that the proposed Consent Order contains express provisions that are mutually inconsistent. In particular, the term “Subject Articles” is defined twice – first, in the last paragraph on page 1, and next – in the second enumerated paragraph on page 2 of the proposed Consent Order. These definitions differ. *See* proposed Consent Order (Exhibit 2 to Joint Motion To Terminate) at 1; *id.* ¶B at 2. The proposed Consent Order also contains multiple typographical and formatting errors.

Based on the foregoing, the Commission has determined to review the subject ID. The moving parties are requested to file with the Commission no later than the close of business on February 27, 2017, a corrected version of the proposed Consent Order. For guidance in correcting formatting errors, the parties may refer to the Consent Order pertaining to respondent

Nanjing Fastwheel Intelligent Technology Co., Ltd. which issued in this investigation on December 7, 2016.

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 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive.

Lisa R. Barton
Secretary to the Commission

Issued: February 22, 2017