

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

**In the Matter of**

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

**Inv. No. 337-TA-1007**

**NOTICE OF INSTITUTION OF INVESTIGATION**

Institution of Investigation pursuant to 19 U.S.C. § 1337

**AGENCY:** U.S. International Trade Commission

**ACTION:** Notice

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 18, 2016, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Segway, Inc. of Bedford, New Hampshire; DEKA Products Limited Partnership of Manchester, New Hampshire; and Ninebot (Tianjin) Technology Co., Ltd. of Tianjin, China. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain personal transporters, components thereof, and packaging and manuals therefor by reason of infringement of certain claims of U.S. Patent No. 6,302,230 (“the ’230 patent”); U.S. Patent No. 6,651,763 (“the ’763 patent”); U.S. Patent No. 7,023,330 (“the ’330 patent”); U.S. Patent No. 7,275,607 (“the ’607 patent”); U.S. Patent No. 7,479,872 (“the ’872 patent”); U.S. Patent No. 9,188,984 (“the ’984 patent”); U.S. Trademark Registration No. 2,727,948 (“the ’948 trademark”); and U.S. Trademark Registration No. 2,769,942 (“the ’942 trademark”). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a general exclusion order, or in the alternative a limited exclusion order, and cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General

information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

**AUTHORITY:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2015).

**SCOPE OF INVESTIGATION:** Having considered the complaint, the U.S. International Trade Commission, on June 17, 2016, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine:

(a) whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain personal transporters, components thereof, and packaging and manuals therefor by reason of infringement of one or more of claims 1, 3-5, and 7 of the '230 patent; claims 1-5 and 7 of the '763 patent; claims 1-3 and 5 of the '330 patent; claims 1-4 and 6 of the '607 patent; claims 1, 3-5, 10-12, and 17 of the '872 patent; and claims 1-3 and 5-20 of the '984 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(b) whether there is a violation of subsection (a)(1)(C) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain personal transporters, components thereof, and packaging and manuals therefor by reason of infringement of the '948 trademark and the '942 trademark, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Segway, Inc.  
14 Technology Drive  
Bedford, NH 03110

DEKA Products Limited Partnership  
340 Commercial Street, Suite 401  
Manchester, NH 03101

Ninebot (Tianjin) Technology Co., Ltd.  
Building 9, Jiasuqi, Tianrui Road  
Science and Technology Park Center,  
Auto Industrial Park Wuqing,  
Tianjin, China

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Inventist, Inc.  
4901 NW Camas Meadows Drive  
Camas, WA 98607

PhunkeeDuck, Inc.  
250 Jericho Turnpike  
Floral Park, NY 11001

Razor USA LLC  
12723 166<sup>th</sup> Street  
Cerritos, CA 90703

Swagway LLC  
3431 William Richardson Drive, Suite F  
South Bend, IN 46628

Segaway  
3940 Laurel Canyon Boulevard #376  
Studio City, CA 91604

Jetson Electric Bikes LLC  
175Varick Street  
New York, NY 10014

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton  
Secretary to the Commission

Issued: June 20, 2016