

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 NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANTS' MOTION TERMINATING THE
INVESTIGATION AS TO RESPONDENT NANJING FASTWHEEL INTELLIGENT
TECHNOLOGY CO., LTD. BASED ON A CONSENT ORDER STIPULATION AND
PROPOSED CONSENT ORDER; ISSUANCE OF CONSENT ORDER**

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. 18) of the presiding administrative law judge ("ALJ") terminating the investigation as to respondent Nanjing Fastwheel Intelligent Technology Co., Ltd. based on a consent order stipulation and proposed consent order. The Commission has issued the 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 (“OUII”) 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 October 13, 2016, Complainants and respondent Nanjing Fastwheel Intelligent Technology Co., Ltd. (“Fastwheel”) filed a joint motion to terminate this investigation based on consent order stipulation and proposed consent order. The Commission investigative attorney filed a response in support of the motion. No other responses were filed.

On November 15, 2016, the ALJ issued an ID (Order No. 18). 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. 18 at 2 (citations omitted). The ALJ stated that he did not find any evidence that terminating this investigation as to Fastwheel 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, and the Commission has determined not to review it.

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', written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: December 7, 2016