

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

In the Matter of

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

Investigation No. 337-TA-1228

**NOTICE OF COMMISSION DETERMINATION TO EXTEND THE DATE FOR
DECIDING WHETHER TO REVIEW THE FINAL INITIAL DETERMINATION
FINDING NO VIOLATION OF SECTION 337**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the date for determining whether to review the final initial determination (“ID”) of the presiding administrative law judge (“ALJ”) finding no violation of section 337 from February 11, 2022 to March 10, 2022.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone 202-205-2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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 November 6, 2020, based on a complaint filed on behalf of AutoStore Technology AS of Norway; AutoStore AS of Norway; and AutoStore System Inc. of Derry, New Hampshire (collectively, “Complainants”). 85 FR 71096 (Nov. 6, 2020). The complaint, as supplemented, alleged violations 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 the sale within the United States after importation of certain automated storage and retrieval systems, robots, and components thereof by reason of infringement of claims 1-6 of U.S. Patent No. 10,093,525; claims 1, 18, 19, and 20 of U.S. Patent No. 10,294,025; claims 1-4 and 11-15 of U.S. Patent No. 10,474,140;

claims 1, 2, and 5-15 of U.S. Patent No. 10,494,239; and claim 19 of U.S. Patent No. 10,696,478. *Id.* The complaint further alleged that a domestic industry exists. *Id.* The Commission's notice of investigation named eight respondents: Ocado Group Plc; Ocado Central Services Ltd.; Ocado Innovation Ltd.; Ocado Operating Ltd.; Ocado Solutions, Ltd.; Tharsus Group Ltd.; and Printed Motor Works Ltd., all of the United Kingdom; and Ocado Solutions USA Inc. of Tysons Corner, Virginia (collectively, "Respondents"). *Id.* at 71097. The Office of Unfair Import Investigations is not participating as a party in this investigation. *Id.*

Respondent Printed Motor Works Ltd. was terminated from the investigation based on withdrawal of allegations in the complaint. *See* Order No. 19 at 1 (June 2, 2021), *unreviewed by* Comm'n Notice (June 22, 2021).

On December 13, 2021, the ALJ issued the final ID finding no violation of section 337. The parties filed a joint motion to extend the time for them to file petitions for review from December 27, 2021 (with responses due January 4, 2022) to December 30, 2021 (with responses due January 10, 2022). On December 14, 2021, the Chair granted the motion.

On December 30, 2021, Complainants and Respondents filed separate petitions for review of the ID. On January 10, 2022, they filed separate replies to the petitions for review.

The Commission has determined to extend the due date for determining whether to review the final ID from February 11, 2022 to March 10, 2022.

The Commission vote for this determination took place on February 11, 2022.

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: February 11, 2022