

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

In the Matter of

**CERTAIN ROBOTIC FLOOR
CLEANING DEVICES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1252

**NOTICE OF COMMISSION DETERMINATION TO EXTEND
THE TARGET DATE FOR COMPLETION OF THE INVESTIGATION**

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 target date for completion of the above-captioned investigation until March 21, 2023.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. 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 March 2, 2021, based on a complaint filed on behalf of iRobot Corporation (“iRobot” or “Complainant”) of Bedford, Massachusetts. *See* 86 FR 12206-07 (Mar. 2, 2021). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain robotic floor cleaning devices and components thereof based on the infringement of certain claims of the ’517 patent; as well as U.S. Patent Nos. 9,884,423 (“the ’423 patent”); 7,571,511 (“the ’511 patent”); 10,835,096 (“the ’096 patent”); and 10,296,007 (“the ’007 patent”). *See id.* The Commission’s notice of investigation named SharkNinja Operating LLC, SharkNinja Management LLC, SharkNinja Management Co., SharkNinja Sales Co., and EP Midco LLC, all of Needham, Massachusetts; and SharkNinja Hong Kong Co. Ltd. of Hong Kong Island, Hong Kong as respondents (collectively, “SharkNinja” or “Respondents”). *See id.* The Office of Unfair Import Investigations is not participating in the investigation. *See id.*

On October 5, 2021, the Commission partially terminated the investigation with respect to the '007 patent. *See* Order No. 23 (Sept. 13, 2021), *unreviewed by* Comm'n Notice (Oct. 5, 2021); Order No. 38 (Jan. 4, 2022), *unreviewed by* Comm'n Notice (Jan. 25, 2022). Claims 9, 12, and 23 of the '423 patent; claims 12 and 23 of the '511 patent; claims 1 and 9 of the '517 patent; and claims 17 and 26 of the '096 patent are still pending in the investigation.

On October 7, 2022, the Administrative Law Judge (“ALJ”) issued a final initial determination (“FID”) finding a violation of section 337 based on infringement of claims 9 and 12 of the '423 patent and claims 1 and 9 of the '517 patent, but no violation based on claim 23 of the '423 patent, claims 17 and 26 of the '096 patent, and claims 12 and 23 of the '511 patent. The ALJ recommended, should the Commission find a violation, issuing a limited exclusion order directed to SharkNinja’s infringing products and a cease and desist order directed to each SharkNinja entity and setting a bond in the amount of twenty percent (20%) for importation of infringing articles during the period of Presidential review.

On October 24, 2022, SharkNinja and iRobot each petitioned for review of certain aspects of the FID. On November 1, 2022, SharkNinja and iRobot each filed a response in opposition to each other’s petition for review.

The Commission received no public interest comments from the public in response to the Commission’s *Federal Register* notice seeking comments on the public interest. *See* 87 FR 62451-52 (Oct. 14, 2022). On November 9, 2022, iRobot submitted public interest comments pursuant to Commission Rule 210.50(a)(4) (19 CFR 210.50(a)(4)).

On January 4, 2023, the Commission determined to review certain aspects of the FID and requested submissions from the parties on certain issues under review. *See* 88 FR 1405-07 (Jan. 10, 2023). The Commission also requested written submissions from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding. *See id.*

In response to the Commission’s notice, on January 18, 2023, iRobot and SharkNinja each filed a brief on the requested issues under review, remedy, the public interest, and bonding. On January 25, 2023, the parties filed reply briefs. The Commission received no other submissions in response to the notice.

The Commission has determined to extend the target date for completion of the investigation until March 21, 2023.

The Commission’s vote for this determination took place on February 27, 2023.

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.

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

Lisa R. Barton
Secretary to the Commission

Issued: February 27, 2023