

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 A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING AN UNOPPOSED MOTION FOR
PARTIAL TERMINATION 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 not to review an initial determination (“ID”) (Order No. 59) of the presiding administrative law judge (“ALJ”), granting an unopposed motion for partial termination of the investigation based on withdrawal of certain allegations in the complaint.

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 (“the ’025 patent”); claims 1-4 and 11-15 of U.S. Patent No. 10,474,140 (“the ’140 patent”); 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. *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 July 30, 2021, Complainants filed a motion for partial termination of the investigation seeking to withdraw their allegations with respect to the asserted claims of the '140 patent and claims 1 and 18 of the '025 patent, and their allegations that Respondents' 500 series robot and redesigned 500 series robot infringe claims 19 and 20 of the '025 patent. *See* Order No. 59 at 1-2 (Aug. 9, 2021). No party opposed the motion. *Id.* at 1. On August 9, 2021, the ALJ issued the subject ID (Order No. 59) granting the motion. The ID found that the motion complies with the Commission's Rules. *Id.* at 2. No petitions for review were filed.

The Commission has determined not to review the subject ID. The asserted claims of the '140 patent and claims 1 and 18 of the '025 patent are terminated from the investigation. Complainants' allegations that Respondents' 500 series robot and redesigned 500 series robot infringe claims 19 and 20 of the '025 patent are also terminated from the investigation.

The Commission vote for this determination took place on August 20, 2021.

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: August 20, 2021