

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 EXTENDING THE TARGET DATE**

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. 64) of the presiding administrative law judge (“ALJ”) extending the target date for completion of the above-captioned investigation to April 13, 2022, and the deadline for issuing the final ID to December 13, 2021.

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 (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).

The asserted claims of the ’140 patent and claims 1 and 18 of the ’025 patent have been terminated from the investigation. *See* Order No. 59 (August 9, 2021), *unreviewed by* Comm’n Notice (Aug. 20, 2021). Complainants’ allegations that Respondents’ 500 series robot and redesigned 500 series robot infringe claims 19 and 20 of the ’025 patent have also been terminated from the investigation. *Id.*

On November 2, 2021, the ALJ issued the subject ID (Order No. 64) extending the target date for completion of the above-captioned investigation to April 13, 2022, and the deadline for issuing the final ID to December 13, 2021. The ID states that the “magnitude and complexity of this investigation, along with the requirements of the undersigned’s other investigations, including two initial determinations issued in October, and pending determinations [in three other investigations] necessitate an extension of the target date.” ID at 1-2. No petitions for review were filed.

The Commission has determined not to review the subject ID. The target date is extended to April 13, 2022 with the final ID due no later than December 13, 2021.

The Commission vote for this determination took place on November 16, 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: November 16, 2021