

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 A COMMISSION DETERMINATION TO EXTEND THE DATE FOR
DETERMINING WHETHER TO REVIEW A FINAL INITIAL DETERMINATION
FINDING A 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 a final initial determination (“ID”) of the presiding administrative law judge (“ALJ”) finding a violation of section 337 to January 4, 2023.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, D.C. 20436, telephone (202) 708-2310. 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, telephone 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”) of Bedford, Massachusetts. 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 U.S. Patent Nos. 9,884,423 (“the ’423 patent”); 7,571,511 (“the ’511 patent”); 10,813,517 (“the ’517 patent”); 10,835,096 (“the ’096 patent”); and 10,296,007 (“the ’007 patent”). 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, the “Respondents” or “SharkNinja”).

The Office of Unfair Import Investigations is not participating in the investigation.

The Commission previously terminated claims 1, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 32, 33, 34, 35, 36, 37, 55, 56 and 62 of the '511 patent; claims 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, and 26 of the '423 patent; all claims of the '007 patent; claim 3, 4 and 10 of the '517 patent; and claims 1, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 16, 18, 19, 20, 21, 22, 23, and 25 of the '096 patent from the investigation. 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).

On October 7, 2022, the ALJ issued the final ID finding: (1) a violation of section 337 based on infringement (*i.e.*, direct and induced) of asserted claims 9 and 12 of the '423 patent and direct infringement of asserted claims 1 and 9 of the '517 patent; (2) no infringement of asserted claim 23 of the '423 patent; (3) no violation as to the '096 patent; and (4) no violation as to 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 SharkNinja and requiring 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 final ID. 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 comment on the public interest. 87 FR 62451-52 (Oct. 14, 2022). iRobot submitted public interest comments pursuant to Commission Rule 210.50(a)(4) (19 CFR 210.50(a)(4)).

The Commission has determined to extend the date for determining whether to review the final ID to January 4, 2023.

The Commission vote for this determination took place on December 8, 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.



Katherine M. Hiner
Acting Secretary to the Commission

Issued: December 8, 2022