

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

**In the Matter of**

**CERTAIN PERSONAL  
TRANSPORTERS, COMPONENTS  
THEREOF, AND PACKAGING AND  
MANUALS THEREFOR**

**And**

**CERTAIN PERSONAL  
TRANSPORTERS AND COMPONENTS  
THEREOF**

**Investigation No. 337-TA-1007  
Investigation No. 337-TA-1021  
(Consolidated)**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING COMPLAINANTS' MOTION FOR SUMMARY  
DETERMINATION ON THE TECHNICAL PRONG OF THE DOMESTIC INDUSTRY  
REQUIREMENT WITH RESPECT TO THE ASSERTED TRADEMARKS**

**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. 32) of the presiding administrative law judge ("ALJ") granting complainants' motion for summary determination on the technical prong of the domestic industry requirement with respect to the asserted trademarks.

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3115. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.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 Inv. No. 337-TA-1007, *Certain Personal Transporters, Components Thereof, and Packaging and Manuals Therefor* under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“section 337”), on June 24, 2016, based on a complaint filed by Segway, Inc. of Bedford, New Hampshire; DEKA Products Limited Partnership of Manchester, New Hampshire; and Ninebot (Tianjin) Technology Co., Ltd. of Tianjin, China (collectively, “Complainants”). 81 *Fed. Reg.* 41342-43 (Jun. 24, 2016). The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 6,302,230; 6,651,763; 7,023,330; 7,275,607; 7,479,872; and 9,188,984; and U.S. Trademark Registration Nos. 2,727,948 and 2,769,942. The notice of investigation named numerous respondents. The Commission’s Office of Unfair Import Investigations was named as a party.

On September 21, 2016, the Commission instituted Inv. No. 337-TA-1021, *Certain Personal Transporters and Components Thereof*, based on a complaint filed by the same Complainants. 81 *Fed. Reg.* 64936-37 (Sept. 21, 2016). The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 6,302,230 and 7,275,607. The notice of investigation named numerous respondents. OUII was also named as a party. The Commission assigned Investigation No. 337-TA-1021 to ALJ Shaw, the presiding ALJ in Investigation No. 337-TA-1007, and directed him to consolidate these investigations. *See id.* at 64937.

On February 17, 2017, Complainants filed a “Motion of Segway Inc., DEKA Products Limited Partnership, and Ninebot (Tianjin) Technology Co., Ltd. for Summary Determination With Respect to the Technical Prong of Domestic Industry, Importation, and Violation of Section 337 of the Tariff Act of 1930 (Amended) With Respect to the Asserted Trademarks by Respondent Swagway LLC, the Economic Prong of Domestic Industry and Request for Limited Exclusion Order and Cease and Desist Order.” On March 2, 2017, respondent Swagway LLC filed a response in opposition, and the Commission investigative attorney filed a response supporting the motion only with respect to the technical prong of the domestic industry requirement concerning the asserted trademarks. No other response was filed.

On April 6, 2017, the ALJ issued Order No. 31 denying the pending motion with respect to all issues except the technical prong of the domestic industry requirement concerning the asserted trademarks. *See* ALJ Order No. 31. The ALJ stated that the technical prong would be granted in a separate order. *See id.* at 4 n.2.

On the same day, the ALJ issued an ID (Order No. 32) (the subject ID) in which he granted Complainants’ motion with respect to the technical prong concerning the asserted trademarks. The ALJ found that, based on the record, there is no genuine dispute that Complainants satisfy the technical prong of the domestic industry requirement with respect to the asserted trademarks and Complainants’ domestic industry products, and granted Complainants’ motion. No party petitioned for review of the subject ID, and the Commission has determined not to review it.

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 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized with a large initial "L" and "B".

Lisa R. Barton  
Secretary to the Commission

Issued: May 8, 2017