

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

In the Matter of

**CERTAIN ROBOTIC VACUUM
CLEANING DEVICES AND
COMPONENTS THEREOF SUCH AS
SPARE PARTS**

Investigation No. 337-TA-1057

**NOTICE OF A COMMISSION DETERMINATION NOT TO
REVIEW AN INITIAL DETERMINATION GRANTING
THE RETURN OF BONDS TO RESPONDENTS**

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. 54) granting an unopposed motion by respondents bObsweep Inc. and bObsweep USA for return of their bonds.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 708-5468. 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, SW., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<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 an investigation on May 23, 2017, based on a complaint filed by iRobot Corporation of Bedford, Massachusetts (“iRobot”). 82 FR 23593-94. 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 robotic vacuum cleaning devices and components thereof that infringe certain claims of, *inter alia*, U.S. Patent No. 9,038,233 (“the ’233 patent”). *Id.* The Commission’s notice of investigation named as respondents, *inter alia*,

bObsweep USA, of Henderson, Nevada, and bObsweep Inc., of Toronto, Canada (together, “bObsweep”). *Id.* at 23593. The Office of Unfair Import Investigations (“OUII”) did not participate in the original investigation, *id.*, but participated in subsequent ancillary investigations.

On November 30, 2018, the Commission found, *inter alia*, that bObsweep violated section 337 with respect to the ’233 patent, and issued a limited exclusion order and cease and desist orders (“the Remedial Orders”) with respect to bObsweep. Pursuant to the Remedial Orders, bObsweep posted three bonds during the period of Presidential review, on December 6, 7, and 13, 2018.

On May 5, 2019, iRobot and bObsweep, *inter alia*, filed a joint petition to rescind the Remedial Orders because the parties had reached a settlement agreement. On June 4, 2019, the Commission granted the petition and rescinded the Remedial Orders.

On August 14, 2019, bObsweep filed an unopposed motion for the return of the bonds that it posted during the period of Presidential review, and for leave to file its motion out of time. bObsweep also noted that iRobot had not sought the forfeiture of the bonds. On August 26, 2019, OUII noted that the motion is untimely, but recommended that the administrative law judge (“ALJ”) grant the motion.

On October 9, 2019, the ALJ issued the subject ID, granting both the request to file out of time and for return of the bonds to bObsweep. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID.

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 5, 2019