

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN AUTOMATED PUT WALLS
AND AUTOMATED STORAGE AND
RETRIEVAL SYSTEMS, ASSOCIATED
VEHICLES, ASSOCIATED CONTROL
SOFTWARE, AND COMPONENT
PARTS THEREOF**

Investigation No. 337-TA-1293

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING IN PART A MOTION FOR SUMMARY
DETERMINATION OF DOMESTIC INDUSTRY**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review a summary determination (“ID”) (included in Order No. 17) of the presiding chief administrative law judge (“CALJ”), finding that the technical prong of the domestic industry requirement is satisfied.

FOR FURTHER INFORMATION CONTACT: Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3427. 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 January 27, 2022, based on a complaint filed on behalf of OPEX Corporation of Moorestown, New Jersey (“OPEX”). 87 FR 4290 (Jan. 27, 2022). The complaint alleged a violation 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 automated put walls and automated storage and retrieval systems, associated vehicles, associated control software, and component parts thereof by reason of infringement of certain claims of U.S. Patent Nos. 8,276,740, 8,622,194, and 10,576,505 (collectively, the “Asserted Patents”). The complaint further alleged that an industry in the

United States exists, as required by section 337. *Id.* The Commission’s notice of investigation named as respondents HC Robotics (a.k.a. Huicang Information Technology Co., Ltd.), of Hangzhou City, China, and Invata, LLC (d/b/a Invata Intralogistics) of Conshohocken, Pennsylvania (collectively, “Respondents”). *Id.* The Office of Unfair Import Investigations was not named as a party in this investigation. *Id.*

On October 3, 2022, OPEX filed a motion seeking a summary determination that it has satisfied both the technical and economic prongs of the domestic industry requirement.

On October 13, 2022, Respondents filed an opposition challenging only OPEX’s motion as to the economic prong.

On November 23, 2022, the ALJ issued Order No. 17, which includes the subject ID. The subject ID granted the motion as to the technical prong. In a portion of Order No. 17 that is not part of the ID, the CALJ denied OPEX’s motion as to the economic prong.

The Commission has determined not to review the subject ID.

The Commission vote for this determination took place on December 19, 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 19, 2022