

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

In the Matter of

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

Investigation No. 337-TA-935

LIMITED EXCLUSION ORDER

The Commission has determined that there is a violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), in the unlawful importation, sale for importation, and sale after importation by (1) UPTECH Robotics Technology Co., Ltd. ("UPTECH"), (2) Beijing Universal Pioneering Technology Co., Ltd. ("U.P. Technology"), (3) Beijing Universal Pioneering Robotics Co., Ltd. ("U.P. Robotics"), (4) FreeGo High-Tech Corporation Limited ("FreeGo China"), (5) EcoBoomer Co. Ltd. ("EcoBoomer"), and (6) Roboscooters.com ("Roboscooters") (collectively, Respondents) of certain personal transporters, components thereof, and manuals therefor covered by one or more of claims 1 and 4 of U.S. Patent No. 6,789,640 ("the '640 patent"); claims 1, 3 and 7 of U.S. Patent No. 7,275,607 ("the '607 patent"); the claim of Design Patent No. D551,722 ("the '722 design patent"); the claim of U.S. Design Patent No. D551,592 ("the '592 design patent"); and U.S. Copyright Registration No. TX-7-800-563 ("the Asserted Copyright").

Having reviewed the record of this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that the appropriate form of relief is a limited

exclusion order prohibiting the unlicensed entry of covered personal transporters, components thereof, and manuals therefor manufactured for or on behalf of the Respondents or any of their affiliated companies, parents, subsidiaries, licensees, or other related business entities, or their successors or assigns.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(d) do not preclude the issuance of the limited exclusion order, and that the bond during the Presidential review period shall be one hundred (100) percent of the entered value of the products.

Accordingly, the Commission hereby **ORDERS** that:

1. Personal transporters, components thereof, and manuals therefor that are covered by one or more of claims 1 and 4 of the '640 patent manufactured abroad by or on behalf of, or imported by or on behalf of, the respondents UPTECH, U.P. Technology, U.P. Robotics, FreeGo China, EcoBoomer, and Roboscooters or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, are excluded from entry into the United States for consumption, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, for the remaining term of the patent, except under license of the patent owner or as provided by law.

2. Personal transporters, components thereof, and manuals therefor that are covered by one or more of claims 1, 3, and 7 of the '607 patent manufactured abroad by or on behalf of, or imported by or on behalf of, the respondents UPTECH, U.P. Technology, U.P. Robotics, FreeGo China, EcoBoomer, and Roboscooters or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, are excluded from entry into the United States for consumption, entry for consumption from a foreign trade zone, or

withdrawal from a warehouse for consumption, for the remaining term of the patent, except under license of the patent owner or as provided by law.

3. Personal transporters, components thereof, and manuals therefor that are covered by the claim of the '722 design patent manufactured abroad by or on behalf of, or imported by or on behalf of, U.P. Robotics, U.P. Technology, or UPTECH, or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, are excluded from entry into the United States for consumption, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, for the remaining term of the patent, except under license of the patent owner or as provided by law.

4. Personal transporters, components thereof, and manuals therefor that are covered by the claim of the '592 design patent manufactured abroad by or on behalf of, or imported by or on behalf of, U.P. Robotics, U.P. Technology, UPTECH, FreeGo China, or Roboscooters, or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, are excluded from entry into the United States for consumption, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, for the remaining term of the patent, except under license of the patent owner or as provided by law.

5. Personal transporters, components thereof, and manuals therefor that are covered by the Asserted Copyright manufactured abroad by or on behalf of, or imported by or on behalf of, U.P. Robotics, U.P. Technology, or UPTECH, or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, are excluded from entry into the United States for consumption, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, for the remaining term of the copyright, except under license of the copyright owner or as provided by law.

6. Notwithstanding paragraphs 1-5 of this Order, the aforesaid personal transporters, components thereof, and manuals therefor are entitled to entry into the United States for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption under bond in the amount of one hundred (100) percent of the entered value of the products, pursuant to subsection (j) of Section 337 (19 U.S.C. § 1337(j)) and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 *Fed. Reg.* 43,251), from the day after this Order is received by the United States Trade Representative until such time as the United States Trade Representative notifies the Commission that this Order is approved or disapproved but, in any event, not later than sixty days after the date of receipt of this Order.

7. At the discretion of U.S. Customs and Border Protection ("CBP") and pursuant to procedures that it establishes, persons seeking to import personal transporters, components thereof, and manuals therefor that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraphs 1-5 of this Order. At its discretion, CBP may require persons who have provided the certification described in this paragraph to furnish such records or analyses as are necessary to substantiate the certification.

8. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to personal transporters, components thereof, and manuals therefor imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

9. The Commission may modify this Order in accordance with the procedures

described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76). The Secretary shall serve copies of this Order upon each party of record in this investigation and upon CBP.

10. Notice of this Order shall be published in the *Federal Register*.

By order of the commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: March 10, 2016

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PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **COMMISSION ORDER** has been served by hand upon the Commission Investigative Attorney, John K. Shin, Esq., and the following parties as indicated, on **March 11, 2016**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

**On Behalf of Complainants Segway Inc. and DEKA Products
Limited Partnership:**

David F. Nickel, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
1899 L. St. NW, Suite 1150
Washington, DC 20036

- ☐ Via Hand Delivery
☐ Via Express Delivery
☒ Via First Class Mail
☐ Other: _____

Respondents:

Beijing Universal Pioneering Robotics Co., Ltd.
Room 302, 3/F TianLi Building No. 56
ZhiChun Road, Haidan District
Beijing, PRC 100098

- ☐ Via Hand Delivery
☐ Via Express Delivery
☒ Via First Class Mail
☐ Other: _____

UPTECH Robotics Technology Co., Ltd.
Room 302, 3/F TianLi Building No. 56
ZhiChun Road, Haidan District
Beijing, PRC 100098

- ☐ Via Hand Delivery
☐ Via Express Delivery
☒ Via First Class Mail
☐ Other: _____

Beijing Universal Pioneering Technology Co., Ltd.
4F Zhong Hang Ke Ji Building
ZhiChun Road, Haidan District
Beijing, PRC 100098

- ☐ Via Hand Delivery
☐ Via Express Delivery
☒ Via First Class Mail
☐ Other: _____

FreeGo High-Tech Corporation Limited
6/F, Block I, Electronic Info Industrial Park
HuangCheng Road, YangMei
Bantian, Shenzhen, PRC 518129

- ☐ Via Hand Delivery
☐ Via Express Delivery
☒ Via First Class Mail
☐ Other: _____

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Certificate of Service – Page 2

EcoBoomer Co., Ltd.
18139 Coastline Drive, Suite 3
Malibu, CA 90265

- ☐ Via Hand Delivery
- ☐ Via Express Delivery
- ☒ Via First Class Mail
- ☐ Other: _____

Roboscooters.com
21541 Crawford Lake Rd.
Laurel Hill, NC 28541

- ☐ Via Hand Delivery
- ☐ Via Express Delivery
- ☒ Via First Class Mail
- ☐ Other: _____