

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
(Advisory Opinion)**

**NOTICE OF COMMISSION DETERMINATION TO EXTEND THE
DEADLINE TO DETERMINE WHETHER TO INSTITUTE
AN ADVISORY OPINION PROCEEDING**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“the Commission”) has determined to extend its deadline to determine whether to institute an advisory opinion proceeding by two weeks to March 15, 2019.

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 a respondent, *inter*

alia, Shenzhen Silver Star Intelligent Technology Co., Ltd., of Shenzhen, China (“Silver Star”). *Id.* at 23593. The Office of Unfair Import Investigations did not participate in the investigation. *Id.*

On November 30, 2018, the Commission found, *inter alia*, that Silver Star violated section 337 with respect to the ’233 patent, and issued a limited exclusion order (“LEO”) against, *inter alia*, Silver Star with respect to claims 1, 10, 11, and 14-16 of the ’233 patent. 83 FR 63186-87. The Commission also issued cease and desist orders (“CDOs”) against two of Silver Star’s customers, Hoover Inc. and bObsweep, Inc., regarding those same claims. *Id.*

On January 30, 2019, Silver Star filed a request for an advisory opinion that eight of its products do not violate the LEO and CDOs. On February 11, 2019, iRobot opposed the advisory opinion request on numerous grounds.

Pursuant to Commission Rule 210.79(a)(1), the Commission has until March 1, 2019, to determine whether to institute the advisory opinion proceeding, unless the Commission finds that exceptional circumstances exist or the petitioner requests otherwise. The Commission finds that the complexity of the issues is an exceptional circumstance, and extends the deadline for determining whether to institute the advisory opinion proceeding to March 15, 2019.

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: February 28, 2019