

**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 TO AFFIRM WITH  
MODIFICATIONS AN INITIAL DETERMINATION GRANTING COMPLAINANT'S  
MOTION FOR SUMMARY DETERMINATION THAT THE ECONOMIC PRONG OF  
THE DOMESTIC INDUSTRY REQUIREMENT IS SATISFIED**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to affirm with modifications an initial determination ("ID") (Order No. 39) of the presiding administrative law judge ("ALJ") granting complainant's motion for summary determination that the economic prong of the domestic industry requirement is satisfied.

**FOR FURTHER INFORMATION CONTACT:** Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2392. 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, DC 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 this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("section 337"), on May 23, 2017, based on a complaint filed by iRobot Corporation of Bedford, Massachusetts ("iRobot," or Complainant). 82 FR 23592-93 (May 23, 2017). The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 6,809,490 ("the '490 patent"); 7,155,308 ("the '308 patent"); 8,474,090 ("the '090 patent"); 8,600,553 ("the '553 patent"); 9,038,233 ("the '233 patent"); and 9,486,924 ("the '924 patent"). *Id.* The complaint

names as respondents Bissell Homecare, Inc. of Grand Rapids, Michigan (“Bissell”); Hoover, Inc. of Glenwillow, Ohio; Royal Appliance Manufacturing Co., Inc. d/b/a TTI Floor Care North America, Inc. of Glenwillow, Ohio; Bobsweep, Inc. of Toronto, Canada; Bobsweep USA of Henderson, Nevada; The Black & Decker Corporation of Towson, Maryland and Black & Decker (U.S.) Inc. of Towson, Maryland (collectively, “Black & Decker”); Shenzhen ZhiYi Technology Co., Ltd., d/b/a iLife of Shenzhen, China; Matsutek Enterprises Co., Ltd. of Taipei City, Taiwan (“Matsutek”); Suzhou Real Power Electric Appliance Co., Ltd. of Suzhou, China; and Shenzhen Silver Star Intelligent Technology Co., Ltd. of Shenzhen, China. *Id.* at 23593. The Office of Unfair Import Investigations is not a party in this investigation. *Id.*

The investigation has been terminated with respect to respondents Black & Decker, Bissell, and Matsutek. *See* Order Nos. 31 and 34 (both unreviewed by the Commission). The ’924 patent and the ’308 patent are no longer part of the investigation. *See* Order Nos. 29 and 40 (both unreviewed by the Commission). The ’090, ’233, ’553, and ’490 patents (the “Asserted Patents”) remain in the investigation.

On January 8, 2018, iRobot moved for summary determination that it satisfied the economic prong of the domestic industry requirement under 19 U.S.C. § 1337(a)(3)(A) and (B). Respondents filed a joint opposition to the motion. On February 13, 2018, the ALJ granted iRobot’s motion for summary determination. *See* Order No. 39 at 31. No party petitioned for review of the subject ID.

On March 15, 2018, the Commission determined to review the ID in its entirety and requested the parties to brief issues under review. The parties filed timely responses and replies to the Commission’s request for briefing.

On March 29, 2018, non-parties Rovi Corporation and Rovi Guides, Inc. (collectively, “Rovi”) filed a motion for leave to submit an *amicus* brief in support of neither party in the investigation on the issues under review. This motion was denied.

On review, the Commission has determined to affirm with modifications the ID’s finding that complainant has satisfied the economic prong of the domestic industry requirement under 19 U.S.C. § 1337(a)(3)(B). The Commission has also determined to strike the portions of Respondents’ reply that respond to Rovi’s *amicus* brief. A Commission opinion will be forthcoming.

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton  
Secretary to the Commission

Issued: July 16, 2018