

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN WET DRY SURFACE
CLEANING DEVICES**

Investigation No. 337-TA-1304

NOTICE OF A COMMISSION DETERMINATION TO EXTEND TARGET DATE

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the target date in the above-captioned investigation to December 14, 2023.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2382. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket system ("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, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: On March 9, 2022, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), based on a complaint filed by Bissell Inc. and Bissell Homecare, Inc., both of Grand Rapids, Michigan (collectively, "Complainants"). *See* 87 FR 13311-12 (March 9, 2022). The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wet dry surface cleaning devices by reason of infringement of certain asserted claims of U.S. Patent Nos. 11,076,735 ("the '735 patent"); 11,071,428 ("the '428 patent"); 11,122,949 ("the '949 patent"); 11,096,541 ("the '541 patent"); and 10,820,769 ("the '769 patent"). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation names as respondents Tineco Intelligent Technology Co., Ltd. of Suzhou City, China; TEK (Hong Kong) Science & Technology Ltd. of Hong Kong; and Tineco Intelligent, Inc. of Seattle, Washington (collectively, "Respondents"). *Id.* The Office of Unfair Import Investigations is not participating in this investigation.

On March 24, 2023, the Chief Administrative Law Judge ("CALJ") issued a final initial determination ("FID") finding that a violation of section 337 has occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation,

of certain wet dry surface cleaning devices that infringe asserted claims 1, 13, and 15 of the '735 patent and asserted claim 1 of the '428 patent. The FID further finds no violation of section 337 with respect to the asserted claims of the '949 patent, the '769 patent, and the '541 patent. On April 7, 2023, the CALJ issued a recommended determination ("RD") on remedy and bonding should the Commission find a violation of section 337. Specifically, if a violation is found, the RD recommends the Commission issue a limited exclusion order directed to the infringing products and cease and desist orders directed to each of the Respondents. The RD further recommends setting a bond of \$49.01 for infringing iFloor 3 products, \$99.01 for infringing Floor ONE S3 products, and \$0 for all other infringing accused products for any importations of infringing products during the period of Presidential review.

On April 7, 2023, Complainants filed a combined petition and contingent petition requesting review of certain findings. Specifically, Complainants sought review of the FID's non-infringement findings as to the '949, '541, and '769 patents, finding that Complainants failed to satisfy the technical prong for the '541 patent, finding that certain redesigned accused products do not infringe the '735 and '428 patents, and waiver of Complainants' infringement argument as to the '428 patent. Complainants also sought contingent review of certain economic prong findings. That same day, Respondents filed a combined petition and contingent petition requesting review of certain findings. Specifically, Respondents sought review of the FID's findings that the original accused products infringe the '735 and '428 patents, that the asserted claims of the '735 and '428 patents are not invalid, that Complainants satisfied the technical prong of the domestic industry requirement as to the '735 and '428 patents, and that Complainants satisfied the economic prong of the domestic industry requirement for all of the Asserted Patents. Respondents also sought contingent review of the FID's findings that the asserted claims of the '949, '541, and '769 patents are not invalid. On April 17, 2023, Complainants and Respondents filed their respective responses to the petitions for review.

On May 8, 2023, Representative Hillary J. Scholten submitted a response to the Commission's notice seeking public interest submissions. *See* 88 FR 22479-80 (Apr. 13, 2023). On May 9, 2023, Complainants filed a submission on the public interest pursuant to Commission Rule 210.50(a)(4). 19 CFR 210.50(a)(4).

On August 1, 2023, the Commission determined to review the FID in part. Specifically, the Commission determined to review: (1) the FID's infringement findings for the '949, '769, and '541 patents; (2) the FID's technical prong findings for the '541 patent; (3) the FID's invalidity findings for the '735 and '428 patents; and (4) the FID's economic prong findings. 88 FR 52208 (Aug. 7, 2023). The Commission determined not to review any other findings in the FID. *Id.* The Commission requested briefing on remedy, the public interest, and bonding. *Id.* at 52208-09.

On August 15, 2023, both Complainants and Respondents filed their initial responses to the Commission's notice of review and request for briefing. On August 22, 2023, Complainants and Respondents filed their replies to each other's respective responses.

The Commission has determined to extend the target date for completion of this investigation to December 14, 2023.

The Commission vote for this determination took place on October 20, 2023.

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', enclosed within a large, loopy oval shape.

Lisa R. Barton
Secretary to the Commission

Issued: October 20, 2023