



INTERNATIONAL TRADE COMMISSION

Investigation No. 337-TA-1000

Certain Motorized Self-Balancing Vehicles

Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 22, 2016, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Razor USA LLC of Cerritos, California; Inventist, Inc. of Camas, Washington; and Shane Chen of Camas, Washington. Supplements to the complaint were filed on March 23, April 12 and 13, and May 5, 2016. The complaint 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 motorized self-balancing vehicles by reason of infringement of certain claims of U.S. Patent No. 8,738,278 (“the ’278 patent”) and that an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337. The complaint further alleges violations of section 337 based on the importation into the United States, or in the sale of certain motorized self-balancing vehicles by reason of false advertising and misrepresentation and unfair competition, the threat or effect of which is to destroy or substantially injure an industry in the United States or to prevent the establishment of such an industry.

The complainants request that the Commission institute an investigation and, after the investigation, issue a general exclusion order, or in the alternative a limited exclusion order, and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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, S.W., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2016).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on May 20, 2016, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine:

(a) whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain motorized self-balancing vehicles by reason of infringement of one or more of claims 1-9 of the '278 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337; and

(b) whether there is a violation of subsection (a)(1)(A) of section 337 in the importation into the United States, or in the sale of certain motorized self-balancing vehicles by reason of false advertising and misrepresentation and unfair competition, the threat or effect of which is to destroy or substantially injure an industry in the United States or to prevent the establishment of such an industry.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Razor USA LLC
12723 166th St.
Cerritos, California 90703

Inventist, Inc.
4901 NW Camas Meadows Drive
Camas, Washington 98607

Shane Chen
4901 NW Camas Meadows Drive
Camas, Washington 98607

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Alibaba Group Holding Ltd.

c/o Alibaba Group Services Limited

26/F Tower One, Times Square

1 Matheson Street

Causeway Bay, Hong Kong

Alibaba.com Ltd.

699 Wang Shang Road

Binjiang District

Hangzhou 310052 China

Hangzhou Chic Intelligent Technology Co., Ltd

2/F, No.2 Building, Liangzhu University Science and Technology Park

No.1 Jingyi Road, Liangzhu

Hangzhou, 311112, China

Contixo

1910 S. Archibald Ave. STE A

Ontario, CA 91761

ZTO Store a.k.a. ZTO Trading, Inc.

333 W Garvey Ave Ste B-128,

Monterey Park, CA 91754

CyBoard LLC a.k.a. Shark Empire Inc.

675 W Broadway

Glendale, CA 91204

Genius Technologies a.k.a. Prime Capital

755 East 31st Street

Hastings, MN 55033

GyroGlyder.com

1988 E. Alpine Ave.

Stockton, CA 95205

HoverTech

1600 Worldwide Blvd.

Hebron, KY 41048

InMotion Entertainment Group LLC

4801 Executive Park Court, Suite 100

Jacksonville, FL 32216

Soibatian Corporation dba IO Hawk and dba Smart Wheels

1125 E. Broadway #317

Glendale, CA 91205

Jetson Electric Bikes LLC

175 Varick Street

New York, NY 10014

Joy Hoverboard, a.k.a. Huizhou Aoge

Enterprize Co. Ltd.

Huizhou City, with its Pliasant Factory

Shuikou Subdistrict Office

Huizhou, 516005, China

Shenzhen Kebe Technology Co., Ltd.

4th Floor, Building C, Honglianying T&S

Zone, Sili Road 286, Longhua District

Shenzhen, China

Leray Group

3/F., HiChina Mansion

No.27 Gulouwai Avenue, Dongcheng District

Beijing 100120, China

Modell's Sporting Goods, Inc.

498 7th Ave, 20th Floor

New York, NY 10018

Newegg.com Inc.

16839 East Gale Avenue

City of Industry, CA 91745

PhunkeeDuck, Inc.

250 Jericho Turnpike

Floral Park, NY 11001

Powerboard a.k.a. Optimum Trading Co.

1600 Worldwide Blvd.

Hebron, KY 41048

Shareconn International, Inc.

9A Unit Q 32 Dong Kang Qiao Zi Jun

Buji Town, Shenzhen, Guangdong, China

Shenzhen Chenduoxing Electronic Technology Ltd.

4/F, Block C11, Fuyuan Industrial City, Jiuwei, Xixiang, Bao'an Area,
Shenzhen, Guangdong, China

Shenzhen Jomo Technology Co., Ltd.

Floor 4th and 7th, Caiyue Bldg., Meilong Road

Bao'an Dist.

Shenzhen City, 518112, China

Shenzhen R.M.T. Technology Co., Ltd.

Rm. 711, Shangcheng Business Mansion

No. 73-1, Changjiangpu Road, He'ao, Henggang Street, Longgang Dist.

Shenzhen, Guangdong, China

Shenzhen Supersun Technology Co. Ltd., a.k.a. Aottom

Rm. 2308A, 2308B, International Cultural

Building, Futian Road, Futian District,

Shenzhen, Guangdong, China

Skque Products

12711 Ramona Blvd. Suite 105

Irwindale, CA 91706

Spaceboard USA

604 Oakmont Lane

Norcross, Georgia, 30093

Swagway LLC

3431 William Richardson Dr., Suite F

South Bend, IN 46628

Twizzle Hoverboard
18193 Valley Blvd.
La Puente, CA 91744

Uwheels
3007 N Main St.
Santa Ana, CA 92705

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination

containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Lisa R. Barton

Secretary to the Commission

Issued: May 20, 2016

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