



INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1440]

Certain Motorized Self-Balancing Vehicles; Notice of a Commission Determination to Review in Part a Final Initial Determination Finding a Violation of Section 337; Request for Written Submissions on the Issues Under Review and on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part the presiding administrative law judge's ("ALJ") final initial determination ("FID") finding a violation of section 337 in the above-captioned investigation.

The Commission requests written submissions from the parties on the issues under review and from the parties, interested government agencies, and interested persons on the issues of remedy, the public interest, and bonding under the schedule set forth below.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (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 on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on February 26, 2025, based on a complaint filed on behalf of Razor USA LLC of Cerritos, California and Shane Chen of Camas, Washington (collectively, "Complainants"). 90 FR 10,730 (Feb. 26, 2025). The complaint, as amended, alleges 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, or the sale within the United States after importation of certain motorized self-balancing vehicles by reason of the infringement of certain claims of U.S. Patent No. RE46,964 (“the ’964 patent”); U.S. Patent No. RE49,608 (“the ’608 patent”); and U.S. Patent No. D739,906 (“the D906 patent”). *Id.* The complaint further alleges that an industry in the United States exists or is in the process of being established as required by the applicable Federal Statute. *Id.* The Commission’s notice of investigation named the following respondents: Dongguan Saibotan Nengyuan Keji Co., Ltd. d/b/a “Gyroor US”; Gyroor Technology (CHINA) Co., Ltd. d/b/a Gyroor, and Shenzhen Chitado Technology Co., Ltd. d/b/a Gyroor (collectively, “Gyroor Respondents”), all of Guangdong, China; Unicorn Network, LLC. d/b/a Sisigad (“Sisigad”) of Dover, Delaware; and Golabs Inc. d/b/a Gotrax (“Gotrax”) of Carrollton, Texas. *Id.* The Office of Unfair Import Investigations is not a party in the investigation. *Id.*

On June 3, 2025, the Commission amended the complaint and notice of investigation by adding Zhejiang TaoTao Vehicles Co., Ltd. (“Tao Motor”) of Lishui City, China as a new respondent. Order No. 10 (May 13, 2025), *unreviewed by* Comm’n Notice (June 3, 2025). Tao Motor is the parent company of Gotrax and manufactures Gotrax’s two-wheel self-balancing vehicles accused of infringement in this investigation. FID at 7.

Respondent Sisigad was found in default. Order No. 7 (Apr. 16, 2025), *unreviewed by* Comm’n Notice (May 5, 2025). The Gyroor Respondents were terminated from this investigation based on settlement. Order No. 15 (Jul. 14, 2025), *unreviewed by* Comm’n Notice (Aug. 6, 2025). The D906 patent was terminated from the investigation based on withdrawal of the complaint. Order No. 24 (Feb. 2, 2026), *unreviewed by* Comm’n Notice (Feb. 23, 2026).

A claim construction hearing was convened on July 1, 2025. An evidentiary hearing was held on December 8-12, 2025.

On April 10, 2026, the Chief ALJ issued the FID, finding a violation of section 337 by Gotrax and Tao Motor as to claims 10, 11, and 16 of the ’964 patent and claims 10-13 of the ’608 patent. Respondents filed a timely petition for review challenging the FID’s construction of

the “control logic” term in claim 10 of the ’964 patent and the FID’s findings regarding the validity of the asserted patents. Complainants filed a timely response to the petition.

On May 14, 2026, Complainants filed a public interest submission pursuant to 19 CFR 210.50(a)(4). The Commission did not receive any submissions from the public on public interest issues raised by the RD. *See* 91 Fed. Reg. 20701 (Apr. 17, 2026).

Having reviewed the record of the investigation, including the FID, the parties’ submissions to the ALJ, and the record evidence, the Commission has determined to review the FID in part. Specifically, the Commission has determined to review the FID’s finding that Respondents failed to prove that Mr. Wood is a joint inventor of the asserted patents. The Commission has also determined to review the FID’s findings on the economic prong of the domestic industry requirement.

Further, the Commission makes two minor corrections and one clarification to the FID. Regarding the first correction, the FID inadvertently refers to Dr. Sorini’s testimony twice on page 46 but the cited testimony was made by Respondents’ expert, Dr. Hartup. FID at 46 (citing RIB at 5 (citing Tr. (Hartup) at 805:12-25; 806:14-16)). As for the second correction, the FID states on page 65 that Respondents assert “the ’978 and ’608 patents are anticipated” when in fact Respondents assert “the ’964 and ’608 patents are anticipated.” Regarding the clarification, on pages 68 and 70 (footnote 13), the FID states that the applicant for the ’964 patent indicated on the Application Data Sheet (ADS) that the application was for reissue of U.S. Patent No. 8738,278 when in fact the applicant made that indication in the Reissue Patent Application Transmittal. *See* FID at 68, 70 n.13; Resp. Pet. at 29-30. The Commission finds that Respondents did not raise this last point before the Chief ALJ and that even if they had, treating the Transmittal as part of the ADS was harmless error since it was submitted with the ADS and it contained the reference to the ’278 patent. Moreover, the Commission finds this error is harmless because it does not materially affect the FID’s analysis and conclusion that no U.S. Patent & Trademark Office regulation requires an application for reissue to claim priority to the

patent for which reissue is sought in an ADS.

The Commission has determined not to review the remaining findings, conclusions, and supporting analysis in the FID.

In connection with its review, the Commission requests responses to the following questions. The parties are requested to brief their positions with reference to the applicable law and the existing evidentiary record.

(1) The parties do not dispute that the Hovertrax Kart does not practice the '964 and '608 patents and, therefore, the Kart is not a domestic industry product. FID at 151.

Please revise Mr. Mooney's domestic industry calculations to remove investments for the Kart and adjust the impact of removing the Kart on the overall significance of Complainants' domestic investments under section 337(a)(3)(A) & (B).

(2) Please explain whether Complainants have submitted into evidence any foreign manufacturing or labor investments related to the DI products and whether Complainants provided any DI economic prong analysis that considers such foreign investments.

(3) Where are each of the DI products manufactured? What activities related to the domestic industry products take place outside the United States (please identify which activities correspond to which DI product)?

(4) Does the record permit quantitative and qualitative assessment of the significance of Complainant's domestic industry investments/expenses that takes into account all non-U.S. activities, including manufacturing, related to the DI products? Examples of such an assessment include a comparison of domestic with foreign investments; a value-added analysis; a comparison of domestic investments to non-U.S. cost of goods sold for the domestic industry products; or a comparison of domestic investments to total value of, or revenue (U.S., global, or both) from, the DI products.

(5) What is the significance of each of the following to Complainants' domestic

investments in the domestic industry products (e.g, Razor's Hovertrax 2.0): global sourcing and procurement, quality control, R&D, product development, customer service, sales and marketing, brand creative? What is the significance of warehousing expenditure, in particular, warehousing provided by a third party, to the domestic industry products? How should each of these investments be assessed in determining the significance of the claimed overall domestic investments based on the record?

- (6) With respect to the economic prong of the domestic industry requirement, please explain the role of the complainants' U.S.-based R&D and product development activities in the development, commercialization, and market introduction of the DI products. Please describe the nature and scope of those activities including the U.S. workforce involved and the extent to which those activities contribute to bringing the DI products to market.

The parties are invited to brief only the discrete issues requested above. The parties are not to brief other issues on review, which are adequately presented in the parties' existing filings.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia*, (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843, Comm'n Op. at 7-10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the

public interest. The public interest factors the Commission will consider include the effect that an exclusion order and cease and desist orders would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

WRITTEN SUBMISSIONS: The parties to the investigation are requested to file written submissions on the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding.

In its initial submission, Complainant is also requested to identify the remedy sought and to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to state the date that the asserted patents expire, to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. The initial written submissions and proposed remedial orders must be filed no later than close of business on **Monday, June 29, 2026**. Reply submissions must be filed no later than the close of business on **Monday, July 6, 2026**. Opening submissions from the parties are limited to **50** pages. Reply submissions from

the parties are limited to **25** pages. All submissions from third parties and/or interested government agencies are limited to **10** pages. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (Inv. No. 337-TA-**1440**) in a prominent place on the cover page and/or the first page. (*See Handbook for Electronic Filing Procedures*, https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary, (202) 205-2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed with the Commission and served on any parties to the investigation within two business days of any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential

written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on June 15, 2026.

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.

Issued: June 15, 2026

Lisa Barton,

Secretary to the Commission.

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