

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN ROBOTIC VACUUM
CLEANING DEVICES AND
COMPONENTS THEREOF SUCH AS
SPARE PARTS

Inv. No. 337-TA-1057

ORDER NO. 27: CONSTRUING TERMS OF THE ASSERTED PATENTS

(November 9, 2017)

The claim terms construed in this Order are done so for the purposes of this Investigation. Hereafter, discovery and briefing in this Investigation shall be governed by the construction of the claim terms in this Order. Those terms not in dispute need not be construed. *See Vanderlande Indus. Nederland BV v. Int'l Trade Comm'n*, 366 F.3d 1311, 1323 (Fed. Cir. 2004) (noting that the administrative law judge need only construe disputed claim terms).

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TABLE OF ABBREVIATIONS

CIMB	Complainant's Initial Markman Brief
CRMB	Complainant's Reply Markman Brief
CBPB	Complainant's Bullet Point Brief
RIMB	Respondents' Initial Markman Brief
RRMB	Respondents' Reply Markman Brief
RBPB	Respondents' Bullet Point Brief
Hr'g Tr.	Transcript of the Markman Hearing

I. INTRODUCTION

By publication of a notice in the Federal Register on May 23, 2017, the U.S. International Trade Commission ordered that:

Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine 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 document cameras and software for use therewith by reason of infringement of one or more of claims 1–3, 7, 12, and 42 of the '490 patent; claims 1–3, 7, 11, 12, 17, 19, 20, 28, and 34 of the '308 patent; claims 1–3, 7, 8, 10, 11, 14, 15, and 17–19 of the '090 patent; claims 1, 2, 4, 8, 11, 12, 21, 22, and 25 of the '553 patent; claims 1, 10, 11, and 14–16 of the '233 patent; and claims 1, 2, 8, 9, 12, and 13 of the '924 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

82 FR 23593 (May 23, 2017). The Complainant in this Investigation is iRobot Corporation (“iRobot”). The named respondents are Hoover Inc., Royal Appliance Manufacturing Co., *d/b/a* TTI Floor Care North America Inc., The Black & Decker Corporation, Black & Decker (U.S.) Inc., Shenzhen Silver Star Intelligent Technology Co., Ltd., BISSELL Homecare, Inc., Matsutek Enterprises Co., Ltd., Bobsweep, Inc., Bobsweep USA, Shenzhen Zhiyi Technology Co., Ltd., Suzhou Real Power Electric Appliance Co., Ltd. (“Respondents”). The Office of Unfair Import Investigations has not and will not participate as a party in this Investigation.

On July 13, 2017, I issued the procedural schedule for this investigation. (*See* Order No. 11.) In accordance with that schedule, the parties exchanged: (i) on July 28, 2017, their lists of proposed terms for construction, as required by G.R. 8.1; and (ii) on August 8, 2017, their preliminary constructions for those terms, as required by G.R. 8.2. The parties filed their Joint Claim Construction Chart on August 18, 2017. Thereafter, on September 1, 2017, the parties filed their initial claim construction briefs, and, on September 15, 2017, the rebuttal claim construction briefs.

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