

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC**

**In the Matter of**

**CERTAIN PERSONAL TRANSPORTERS,  
COMPONENTS THEREOF, AND  
PACKAGING AND MANUALS THEREFOR**

**and**

**CERTAIN PERSONAL TRANSPORTERS  
AND COMPONENTS THEREOF**

**Inv. No. 337-TA-1007  
Inv. No. 337-TA-1021  
(Consolidated)**

**LIMITED EXCLUSION ORDER**

The United States International Trade Commission (“Commission”) has determined that there is a violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), in the unlawful importation, sale for importation, or sale within the United States after importation by respondent Swagway LLC (“Swagway”) of certain personal transporters, components thereof, and packaging and manuals therefor that infringe U.S. Trademark Registration Nos. 2,727,948 and 2,769,942, which cover the “SEGWAY” marks. The Commission has also found respondent Segaway in default pursuant to subsection (g)(1) of section 337, 19 U.S.C. § 1337(g)(1), and section 210.16 of the Commission’s Rules of Practice and Procedure, 19 C.F.R. § 210.16, for failing to respond to a Complaint and Notice of Investigation that alleged a violation of section 337 with respect to the unlawful importation, sale for importation, and sale after importation of certain personal transporters, components thereof, and packaging and manuals therefor that

infringe U.S. Trademark Registration Nos. 2,727,948 and 2,769,942, which cover the “SEGWAY” marks.

Having reviewed the record of this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of covered personal transporters, components thereof, and packaging and manuals therefor manufactured by or on behalf of, or imported by or on behalf of, respondents Swagway and Segaway or any of their affiliated companies, parents, subsidiaries, or other related business entities, or its successors or assigns.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(d)(1), (f)(1) and (g)(1) do not preclude the issuance of the limited exclusion order. The Commission has further determined that the bond during the period of Presidential review shall be in the amount of zero percent (*i.e.*, no bond) of the entered value of the imported subject articles of respondent Swagway and 100 percent of the entered value of the imported subject articles of respondents Segaway.

Accordingly, the Commission hereby **ORDERS** that:

1. SWAGWAY-branded personal transporters, components thereof, and packaging and manuals thereof manufactured outside the United States that infringe one or more of the following U.S. Trademark Registration Nos. 2,727,948 and 2,769,942 and that are manufactured abroad by or on behalf of, or imported by or on behalf of, respondents Swagway or Segaway, or any of their affiliated companies, parents, subsidiaries, or other related business entities, or its successors or assigns, are excluded from entry for consumption into the United States, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, except if imported by, under license from, or with the permission of

the trademark owner, or as provided by law, until such date as the trademarks are abandoned, canceled, or rendered invalid or unenforceable.

2. Notwithstanding paragraph 1 of this Order, respondent Swagway's personal transporters, components thereof, and packaging and manuals thereof are entitled to entry into the United States for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, under bond in the amount of zero percent of the entered value (*i.e.*, no bond), and respondent Segaway's personal transporters, components thereof, and packaging and manuals thereof are entitled to entry into the United States for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, under bond in the amount of 100 percent of the entered value, pursuant to subsection (j) of Section 337 (19 U.S.C. § 1337(j)) and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 *Fed. Reg.* 43,251), from the day after this Order is received by the United States Trade Representative until such time as the United States Trade Representative notifies the Commission that this Order is approved or disapproved but, in any event, not later than sixty days after the date of receipt of this Order.
3. At the discretion of U.S. Customs and Border Protection ("CBP") and pursuant to procedures that it establishes, persons seeking to import personal transporters, components thereof, and packaging and manuals thereof that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are

not excluded from entry under paragraph 1 of this Order. At its discretion, CBP may require persons who have provided the certification described in this paragraph to furnish such records or analyses as are necessary to substantiate the certification.

4. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to personal transporters, components thereof, and packaging and manuals thereof imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.
5. Complainants Segway Inc., DEKA Products Limited Partnership, and Ninebot (Tianjin) Technology Co., Ltd. (collectively, "Complainants") shall file a written statement with the Commission, made under oath, each year on the anniversary of the issuance of this Order stating whether Segway continues to use each of the aforesaid trademarks in commerce in the United States in connection with personal transporters, components thereof, and packaging and manuals thereof, whether any of the aforesaid trademarks has been abandoned, canceled, or rendered invalid or unenforceable, and whether Segway continues to satisfy the economic requirements of Section 337(a)(2).
6. The Commission may modify this Order in accordance with the procedures described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).
7. The Secretary shall serve copies of this Order upon each party of record in this investigation and upon CBP.
8. Notice of this Order shall be published in the *Federal Register*.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive.

Lisa R. Barton  
Secretary to the Commission

Issued: December 11, 2017

**CERTAIN PERSONAL TRANSPORTERS,  
COMPONENTS THEREOF, AND PACKAGING  
AND MANUALS THEREFOR**

**Inv. No. 337-TA-1007/1021  
(Consolidated)**

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **COMMISSION ORDER** has been served by hand upon the Commission Investigative Attorney, **Brian Koo, Esq.**, and the following parties as indicated, on **December 11, 2017**.



Lisa R. Barton, Secretary  
U.S. International Trade Commission  
500 E Street, SW, Room 112  
Washington, DC 20436

**On Behalf of Complainants Segway Inc., DEKA Products  
Limited Partnership, and Ninebot (Tianjin) Technology Co.,  
Ltd.:**

Tony V. Pezzano, Esq.  
**HOGAN LOVELLS US LLP**  
875 Third Avenue  
New York, NY 10022

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

**On Behalf of Respondent Swagway, LLC:**

Lei Mei, Esq.  
**MARK & MEI LLP**  
818 18th Street, NW, Suite 410  
Washington, DC 20006

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

**On Behalf of Respondent Inventist, Inc.:**

Jonathan J. Engler, Esq.  
**ADDUCI, MASTRIANI & SCHAUMBERG, LLP**  
1133 Connecticut Avenue, NW, 12th Floor  
Washington, DC 20036

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

**On Behalf of Respondent Jetson Electric Bikes LLC:**

Ezra Sutton, Esq.  
**EZRA SUTTON, P.A.**  
900 Route 9 North, Suite 201  
Woodbridge, NJ 07095

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

**CERTAIN PERSONAL TRANSPORTERS,  
COMPONENTS THEREOF, AND PACKAGING  
AND MANUALS THEREFOR**  
Certificate of Service – Page 2

**Inv. No. 337-TA-1007/1021  
(Consolidated)**

**On Behalf of Respondent Hangzhou Chic Intelligent  
Technology Co., Ltd.:**

Qingyu Yin, Esq.  
**FINNEGAN, HENDERSON, FARABOW, GARRETT &  
DUNNER, LLP**  
901 New York Ave. NW  
Washington, DC 20001

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

**On Behalf of Respondent Powerboard LLC:**

L. Peter Farkas, Esq.  
**HALLORAN FARKAS + KITTLA, LLP**  
1101 30<sup>th</sup> Street NW, Suite 500  
Washington, DC 20007

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

**On Behalf of Respondent Changzhou Airwheel Technology  
Co., Ltd.:**

Harold H. Davis, Jr., Esq.  
**K&L GATES, LLP**  
Four Embarcadero Center, Suite 1200  
San Francisco, CA 94111

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

**Respondents:**

Segaway  
3431 Laurel Canyon Blvd., #376  
Studio City, CA 91604

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

PhunkeeDuck, Inc.  
250 Jericho Turnpike  
Floral Park, NY 11001

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

Airwheel  
Kabelweg 43 1014BA  
Amsterdam, Netherlands

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

**CERTAIN PERSONAL TRANSPORTERS,  
COMPONENTS THEREOF, AND PACKAGING  
AND MANUALS THEREFOR**

Certificate of Service – Page 3

**Inv. No. 337-TA-1007/1021  
(Consolidated)**

Shenzhen Chenduoxing Electronic Technology Ltd., China a/k/a  
C-Star  
4F, Block C11, Fuyuan Industrial Area  
Jiuwei, Xixiang, Bao'an, Shenzhen, China

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

Metem Teknoloji Sistemleri San  
Necatibey Cad. No. 61  
Karakoy, Istanbul, Turkey

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

Shenzhen Jomo Technology Co., Ltd.  
a/k/a Koowheel  
Floor 4th and 7th, Caiyue Bldg., Meilong Road  
Bao'an Dist.  
Shenzhen City, 518112, China

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

Guangzhou Kebye Electronic Technology Co., Ltd.  
a/k/a Got way  
A2, 2nd floor, Building 39, Dayangtian Industry Park  
Wanfeng, No. 56, Fengtang Road  
Bao'an District, Shenzhen, China

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_