

**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)**

**CORRECTED 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 of South Bend, Indiana (“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 of Studio City, California (“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 and SEGAWAY-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', with a stylized flourish at the end.

Lisa R. Barton  
Secretary to the Commission

Issued: February 7, 2018

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(Consolidated)**

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney, **Brian Koo, Esq.**, and the following parties as indicated, on **February 7, 2018**.



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.:**

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

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

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

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**On Behalf of Respondent Hangzhou Chic Intelligent  
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**On Behalf of Respondent Powerboard LLC:**

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**On Behalf of Respondent Changzhou Airwheel Technology  
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**Respondents:**

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Airwheel  
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