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CBI 14-379

September 9, 2014

NUMBER
3032
Office of the Secretary Int'l Trade Commission

VIA HAND FILING

The Honorable Lisa R. Barton  
Secretary  
U.S. International Trade Commission  
500 E Street, SW  
Washington, D.C. 20436

Re: *Certain Personal Transporters, Components Thereof, and Manuals Therefor*  
Inv. No. 337-TA-

Dear Secretary Barton:

Enclosed for filing on behalf of Complainants Segway Inc. and DEKA Products Limited Partnership ("Segway" or "Complainants") are documents in support of Segway's request that the Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended. Pursuant to the Commission Rules of Practice and Procedure, a request for confidential treatment of Confidential Exhibit Nos. 7, 40, 42, 43, and 45 is also included with this submission.

Segway submits the following documents to accompany the Complaint filing:

1. An unbound original and eight (8) copies of Segway's non-confidential verified Complaint and the Statement of Public Interest; and (1) copy of the accompanying non-confidential Exhibits in electronic form (on a CD), with (1) copy of the Confidential Exhibits Nos. 7, 40, 42, 43, and 45 in electronic form (on a CD) segregated from the other material submitted (Commission Rules 201.6(c), 210.4(f)(3)(i) and 210.8(a));
2. Certified copies of United States Patent Nos. 6,789,640 ("the '640 patent"); 7,275,607 ("the '607 patent"); D551,722 ("the '722 patent"); and D551,592 ("the '592 patent") referenced in the Complaint as Exhibits 1-4, respectively, and the original Copyright Registration No. TX-7-800-563 referenced in the Complaint as Exhibit 5 (Commission Rule 210.12(a)(9)(ii));
3. Copies of the assignment histories for the asserted patents, referenced in the Complaint as Exhibit Nos. 6 and 8-12, respectively (Commission Rule 210.12(a)(9)(ii));
4. A certified copy of the prosecution history of the '640 patent (Appendix A), a certified copy of the prosecution history of the '607 patent (Appendix C), a certified copy of the prosecution history for the '722 patent (Appendix E), and the certified copy of the

September 9, 2014

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- prosecution history for the '592 patent (Appendix G); and four (4) additional copies of each in electronic form (on a CD) (Commission Rule 210.12(a)(9)(ii));
5. Four (4) copies in electronic form (on CD) of each technical reference mentioned in the prosecution histories of the asserted patents, referenced in the Complaint as Appendices B, D, F and H (Commission Rule 210.12(c)(2));
  6. Thirteen (13) additional copies of the verified non-confidential Complaint, including all accompanying non-confidential Exhibits in electronic form (on a CD), and Public Interest Statement for service upon each Proposed Respondent (Commission Rules 210.4(f)(3)(i), 210.8(a) and 210.11(a));
  7. Thirteen (13) additional copies of the Confidential Exhibits Nos. 7, 40, 42, 43, and 45 in electronic form (on a CD) for service upon a representative of each Proposed Respondent who has properly subscribed to the protective order in this matter (Commission Rules 210.4(f)(3)(i), 210.8(a) and 210.11(a));
  8. One (1) additional copy of the non-confidential Complaint and Public Interest Statement for service upon the Embassy of China, in Washington, D.C. (Commission Rules 210.8(a) and 210.11(a)(1)(ii)); and
  9. A letter and certification pursuant to Commission Rules 201.6(b) and 210.5(d) requesting confidential treatment of information appearing in Confidential Exhibit Nos. 7, 40, 42, 43, and 45.

Thank you for your assistance in this matter. Please contact me if you have any questions.

Respectfully submitted,



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Segway Inc. and  
DEKA Products Limited Partnership*



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September 9, 2014

*VIA HAND FILING*

The Honorable Lisa R. Barton  
Secretary  
U.S. International Trade Commission  
500 E Street, SW  
Washington, D.C. 20436

Re: *Certain Personal Transporters, Components Thereof, and Manuals Therefor,  
Inv. No. 337-TA-*

Dear Secretary Barton:

Foster, Murphy, Altman & Nickel, PC represents Complainants Segway Inc. and DEKA Products Limited Partnership ("Segway") in a complaint filed pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. §1337.

Pursuant to Commission Rules 201.6 and 210.5, 19 C.F.R. §§ 201.6 and 210.5, Segway respectfully requests confidential treatment of the business information contained in Confidential Exhibit Nos. 7, 40, 42, 43, and 45. Segway seeks confidential treatment of the information contained in these exhibits because the information is proprietary commercial and technical information, and is not otherwise publicly available.

The information in Confidential Exhibit Nos. 7, 40, 42, 43, and 45 qualifies as confidential information pursuant to 19 C.F.R. § 201.6 in that the information concerns or relates to, or would otherwise disclose, proprietary commercial information, the disclosure of which would result in substantial harm to the competitive position of Segway and also would impair the Commission's ability in the future to obtain such types of information in performance of its statutory function. Specifically, the confidential exhibits contain confidential proprietary information relating to licensing of the asserted patents and Segway's investments relating to the exploitation of the asserted patents, and the source of certain information used in preparation of the Complaint. I certify that substantially identical information is not reasonably available to the public.

September 9, 2014  
Page 2

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Nickel', is written over a horizontal line.

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*Counsel to Complainants Segway Inc. and  
DEKA Products Limited Partnership*

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C.**

In the Matter of

CERTAIN PERSONAL TRANSPORTERS,  
COMPONENTS THEREOF, AND  
MANUALS THEREFOR

Investigation No. 337-TA-\_\_\_\_\_

**STATEMENT REGARDING THE PUBLIC INTEREST**

Pursuant to Commission Rule 210.8(b), 19 C.F.R. § 210.8(b), Complainants Segway Inc. and DEKA Products Limited Partnership (collectively "Segway" or "Complainants") respectfully submit this Statement Regarding the Public Interest. The products at issue in the Complaint are personal transporters and components thereof that infringe U.S. Patent No. 6,789,640 ("the '640 Patent"), U.S. Patent No. 7,275,607 ("the '607 Patent"), U.S. Design Patent Nos. 551,722 ("the '722 Patent") and 551,592 ("the '592 Patent"), and certain manuals therefor that infringe Segway's copyright, registered under Reg. No. TX 7-800-563. Exclusion of such products from the United States will not have an adverse effect on the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

**I. HOW THE ARTICLES POTENTIALLY SUBJECT TO THE REMEDIAL ORDERS ARE USED IN THE UNITED STATES**

The accused products are personal transporters, components thereof and manuals therefor. These products are sold for importation into the United States, imported into the United States and/or sold in the United States after importation, at least, by proposed respondents PowerUnion (Beijing) Tech Co. Ltd.; UPTECH Robotics Technology Co., Ltd.; Beijing Universal Pioneering Robotics Co., Ltd.; Beijing Universal Pioneering Technology Co., Ltd.;

Ninebot Inc. (in China); Ninebot Inc. (in USA); Shenzhen INMOTION Technologies Co., Ltd.; Robstep Robot Co., Ltd.; FreeGo High-Tech Corporation Limited; Freego USA, LLC; Tech in the City; Roboscooters.com; and EcoBoomer Co. Ltd. The accused products are personal transporters marketed as self-balancing electric vehicles, and sold under the names, for example, WindRunner™, Ninebot™, FreeGo™, Inmotion™, and Robstep™. They appear largely to be used by individuals for personal transport in place of cars, motor scooters, motorcycles, powered bicycles, and walking.

**II. IDENTIFY ANY PUBLIC HEALTH, SAFETY, OR WELFARE CONCERNS RELATING TO THE REQUESTED REMEDIAL ORDERS**

The issuance of the requested relief, a permanent general or limited exclusion order and cease and desist orders, would have no adverse effect on the public health, safety or welfare in the United States. In general, concerns about a proposed remedy having a negative impact on public health, safety or welfare have arisen in investigations involving pharmaceuticals, medical equipment or green technology products, such as hybrid cars or solar panels. For example, the Commission has previously concluded that access to necessary medical equipment is a significant public interest consideration. *See Certain Fluidized Supporting Apparatus & Components Thereof*, Inv. No. 337-TA-182/188, USITC Pub. 1667, Comm'n Op. at23-25 (Oct. 1984). None of those concerns is present here. The accused products are consumer transportation devices for individual riders. Access to Respondents' infringing personal transporters does not implicate any reasonably conceivable public health, safety or welfare concern. The requested relief is in the public interest because it would serve the purpose of enforcing U.S. intellectual property rights.

**III. IDENTIFY LIKE OR DIRECTLY COMPETITIVE ARTICLES THAT COMPLAINANTS, THEIR LICENSEES, OR THIRD PARTIES MAKE WHICH COULD REPLACE THE SUBJECT ARTICLE IF THEY WERE TO BE EXCLUDED**

Segway manufactures its patented personal transporters in the United States and has the capacity to meet the demand for Segway type-personal transporters should Respondents' infringing products be excluded from the United States. Competitive non-infringing personal transportation devices would also be available from third-party suppliers. Consequently, consumers would have access to competitive products from Segway and other suppliers of non-infringing personal transporters.

**IV. INDICATE WHETHER COMPLAINANTS, COMPLAINANTS' LICENSEES, AND/OR THIRD PARTY SUPPLIERS HAVE THE CAPACITY TO REPLACE THE VOLUME OF ARTICLES SUBJECT TO THE REQUESTED REMEDIAL ORDERS IN A COMMERCIALY REASONABLE TIME**

As set forth above, Segway has the capacity to meet the demand for genuine Segway-type personal transporters should the accused products that infringe Segway's patents be excluded from the United States. To date, Segway has supplied the vast amount of Segway-type personal transportation devices purchased in the United States. It has the capacity to increase its domestic production of its personal transporters should demand require. In addition, personal transporters will also continue to be available from non-infringing sources such as sellers and lessors of motor scooters, motorcycles, powered bicycles and the like. Consequently, consumers would have access to competitive products from Segway and third-parties in amounts sufficient to meet the demand should the accused products be excluded from the United States.

**V. STATE HOW THE REQUESTED REMEDIAL ORDER WOULD IMPACT CONSUMERS**

U.S. consumers will have available to them in the United States marketplace a wide variety of personal transporters and other individual transportation devices, including genuine Segway branded personal transporters and other competitive transportation devices should the accused products be excluded from the United States. In light of the availability of these

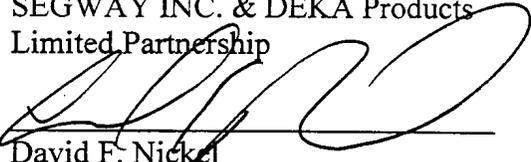
commercial alternatives to the accused products, the exclusion of the infringing personal transporters will not negatively impact U.S. consumers. Rather, the requested relief will serve the public interest by enforcing U.S. intellectual property rights and protecting the public from unfair competition.

Dated: September 9, 2014

Respectfully submitted,

SEGWAY INC. & DEKA Products  
Limited Partnership

By:



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UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

In the Matter of

CERTAIN PERSONAL TRANSPORTERS,  
COMPONENTS THEREOF, AND  
MANUALS THEREFOR

Investigation No. 337-TA-\_\_\_\_\_

COMPLAINT OF  
SEGWAY INC. AND DEKA PRODUCTS LIMITED PARTNERSHIP  
UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED

COMPLAINANTS

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Laurel Hill, NC 28541, USA

1-800-708-4751

**EcoBoomer Co. Ltd.**  
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(469) 450-8740

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1. Certified Copy of U.S. Patent No. 6,789,640 (“the ‘640 Patent”)
2. Certified Copy of U.S. Patent No. 7,275,607 (“the ‘607 Patent”)
3. Certified Copy of U.S. Design Patent No. D551,722 (“the ‘722 Patent”)
4. Certified Copy of U.S. Design Patent No. D551,592 (“the ‘592 Patent”)
5. Original copy of “Getting Started Manual Segway Personal Transporter (PT) i2, x2,” including “Reference Manual Segway Personal Transporter (PT) i2, x2,” Copyright Reg. No. TX-7-800-563
6. Certified copy of assignment of U.S. Patent No. 6,789,640 to DEKA PLP
7. Description of the exclusive license agreement and a confidential copy of exclusive license of U.S. Patents Nos. 6,789,640 and 7,275,607 to Segway Inc. (**Confidential**)
8. Certified copy of assignment of U.S. Patent No. 7,275,607 to DEKA PLP
9. Certified copy of assignment of U.S. Design Patent No. D551,722 to Segway LLC
10. Certified copy of assignment of U.S. Design Patent No. D551,722 to Segway Inc.
11. Certified copy of assignment of U.S. Design Patent No. D551,592 to Segway LLC
12. Certified copy of assignment of U.S. Design Patent No. D551,592 to Segway Inc.
13. “Getting Started Manual Segway Personal Transporter (PT) i2, x2”
14. ”Reference Manual Segway Personal Transporter (PT) i2, x2”
15. Declaration of Dean Kamen and Attachments A-F
16. WindRunner (GIU and GLX) User Manual
17. Claim chart ‘640 Patent claims 1 and 4 v. WindRunner GIU
18. Claim chart ‘640 Patent claims 1 and 4 v. WindRunner G1X

19. Ninebot PTR [mini flight] User Manual
20. Claim chart '640 Patent claims 1 and 4 v. Ninebot [mini flight]
21. INMOTION SCV [INMOTION R-1] User Manual
22. Claim chart '640 Patent claims 1 and 4 v. INMOTION SCV [INMOTION R-1]
23. Robin [Robstep M-1] User Manual
24. Claim chart '640 Patent claims 1 and 4 v. Robstep Robin [Robstep M-1]
25. FreeGo [F3] User Manual
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35. Claim chart '722 Patent v. Ninebot [mini flight]
36. Claim chart '722 Patent v. FreeGo F3
37. Claim chart '592 Patent v. WindRunner G1X
38. Claim chart '592 Patent v. FreeGo F3
39. Copyright Infringement Charts: Segway Manuals v. Ninebot PTR User Manual and  
WindRunner (G1U and G1X) User Manual
40. Confidential Declaration and Attachments A-C (**Confidential**)

41. Declaration of Ron Crocco and Attachments A-C.
42. Declaration of Rod Keller and Attachments A-Z, AA-DD (**Confidential**)
43. Declaration of Matthew J. Harding (**Confidential**)
44. Segway SE User Manual
45. Commercialization of '640 and '607 Patents (**Confidential**)
46. Commercialization of '722 Patent
47. Commercialization of '592 Patent

#### **List of Appendices**

- A. Certified copy of prosecution history of U.S. Patent No. 6,789,640 (SN 10/308,850)
- B. Copies of references cited in prosecution history of U.S. Patent No. 6,789,640
- C. Certified copy of prosecution history of U.S. Patent No. 7,275,607 (SN 10/939,955)
- D. Copies of references cited in prosecution history of U.S. Patent No. 7,275,607
- E. Certified copy of prosecution history of U.S. Patent No. D551,722 (SN 29/262,411)
- F. Copies of references cited in prosecution history of U.S. Patent No. D551,722
- G. Certified copy of prosecution history of U.S. Patent No. D551,592 (SN 29/262,412)
- H. Copies of references cited in prosecution history of U.S. Patent No. D551,592

## I. INTRODUCTION

1. This Complaint is filed pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by Complainants Segway Inc. and DEKA Products Limited Partnership (“DEKA”) (together, “Complainants” or “Segway”) for violations of 19 U.S.C. § 1337(a)(1)(B)(i) by importation into the United States, sale for importation into the United States, or sale within the United States after importation of certain personal transporters, components thereof, and manuals relating thereto that infringe one or more valid and enforceable claims of U.S. Patent Nos. 6,789,640 and 7,275,607 and U.S. Design Patent Nos. D551,722 and D551,592 (“Asserted Patents”), and U.S. Copyright Reg. No. TX 7-800-563 (“Asserted Copyright”). An industry exists in the United States for articles protected by each of the Asserted Patents and Asserted Copyright. Such unlawful acts were and are being perpetrated by at least the following proposed respondents: PowerUnion (Beijing) Tech Co. Ltd. (“PowerUnion”); UPTECH Robotics Technology Co., Ltd. (“UPTECH”); Beijing Universal Pioneering Robotics Co., Ltd. (“Robotics”); Beijing Universal Pioneering Technology Co., Ltd. (“Technology”); Ninebot Inc. (in China) (“Ninebot China”); Ninebot Inc. (in USA) (“Ninebot USA”); Shenzhen INMOTION Technologies Co., Ltd. (“INMOTION”); Robstep Robot Co., Ltd. (“Robstep”); FreeGo High-Tech Corporation Limited (“FreeGo”); Freego USA, LLC (“Freego USA”); Tech in the City (“Tech in the City”); Roboscooters.com (“Roboscooters”); and EcoBoomer Co. Ltd. (“EcoBoomer”) (collectively referred to herein as “Respondents”). Complainants seek a general exclusion order and cease-and-desist orders against further importation and distribution of said infringing articles.

2. One or more of each Respondents' personal transporters infringe one or both of the following U.S. utility patents, owned by DEKA and licensed to Segway Inc. (collectively, "the Asserted Utility Patents"):

- U.S. Patent No. 6,789,640 ("the '640 Patent") (Ex. 1);
- U.S. Patent No. 7,275,607 ("the '607 Patent") (Ex. 2).

In particular, each of the Respondents imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, personal transporters that infringe at least claims 1 and 4 of the '640 Patent and claims 1, 3 and 7 of the '607 Patent. Other claims of the Asserted Utility Patents may be asserted as infringed by one or more Respondents after discovery of additional technical details of Respondents' products, including discovery of the software in Respondents' products that implement functionality recited in those claims.

3. One or more of the imported personal transporters of each of Respondents PowerUnion, UPTECH, Robotics, Technology, Ninebot China, Ninebot USA, FreeGo, FreeGo USA, Tech in the City, and EcoBoomer infringe one or both of the following two U.S. design patents owned by Segway Inc. (collectively, "the Asserted Design Patents"):

- U.S. Design Patent No. D551,592 ("the '592 Patent") (Ex. 3); and
- U.S. Design Patent No. D551,722 ("the '722 Patent") (Ex. 4).

In the eye of an ordinary observer, giving such attention as a purchaser usually gives, the designs of these identified Respondents' imported personal transporters are substantially the same as the designs embodied in the Asserted Design Patents, and the resemblance is such as to deceive such an observer, inducing him or her to purchase the identified Respondents' infringing personal transporters supposing them to be the claimed designs of the Asserted Design Patents.

4. One or more of the imported manuals relating to their respective imported personal transporters of each of Respondents PowerUnion, UPTECH, Robotics, Technology, Ninebot China, Ninebot USA, Tech in the City, and Roboscooters infringe the following registered copyright owned by Segway Inc. (collectively, the "Asserted Copyright"):

- "Getting Started Manual Segway Personal Transporter (PT) i2, x2," and "Reference Manual Segway Personal Transporter (PT) i2, x2," Copyright Reg. No. TX 7-800-563 (Ex.5).

The identified Respondents have no license, or any other form of permission to copy, duplicate, sell, license, distribute or import into the United States their infringing manuals.

5. Because it is necessary to prevent circumvention of an exclusion order limited to products of the named Respondents, and because there is a widespread pattern of infringement and it is difficult to identify the source of infringing products, Segway seeks a general exclusion order barring the importation, sale for importation, and/or sale after importation into the United States of infringing personal transporters, components thereof, and accompanying manuals. Alternatively, Segway requests a limited exclusion order preventing the sale for importation, importation and/or sale after importation of Respondents' infringing personal transporters, components thereof, and accompanying manuals.

6. Segway also seeks permanent cease and desist orders prohibiting Respondents, their subsidiaries, affiliates, related companies, distributors, dealers, successors and assigns and other appropriate entities from selling, offering to sell, marketing, advertising, demonstrating, distributing, warehousing for distribution or soliciting in the United States any sale of imported infringing personal transporters, components thereof, and accompanying manuals.

## **II. THE PARTIES**

### **A. Complainants**

7. Segway Inc. is a corporation incorporated in the state of Delaware, with its principal place of business in Bedford, New Hampshire. It was established in 2000. In 2001, Segway Inc. completed construction of its manufacturing plant and headquarters in Bedford, New Hampshire, which is dedicated to the design, development, manufacture, distribution and servicing of its patented personal transporters. It made the first public sales of personal transporters in 2002, which are now well-known to the American public. In 2006, Segway Inc. introduced its second generation personal transporters with its breakthrough LeanSteer™ technology. As of January 2014, the company employed approximately 85 people in the United States, including approximately 67 employees at its primary facilities in Bedford, New Hampshire; Segway's number of employees has increased since then.

8. DEKA is a New Hampshire limited partnership with its principal place of business at 340 Commercial Street, Manchester, New Hampshire. DEKA's sole general partner is DEKA Research & Development Corp. ("DEKA R&D"), a New Hampshire corporation, which also has its principal place of business at 340 Commercial Street, Manchester, New Hampshire. DEKA R&D was founded by inventor Dean Kamen in 1982 and now employs more than 400 people, primarily engineers, scientists, and other technical specialists, in New Hampshire. DEKA R&D focuses on the research and development of innovative technologies, including certain technologies on which the patented Segway® Personal Transporter is based.

### **B. Proposed Respondents**

9. On information and belief, Respondent PowerUnion (Beijing) Tech Co. Ltd. ("PowerUnion") is a Chinese corporation with its principal place of business located at A09, 2nd

Floor, Guangshun North Street No. 19, Chaoyang District, Beijing, China 100012. On information and belief, certain personal transporters, components thereof, and their manuals that infringe (i) the Asserted Utility Patents; (ii) the Asserted Design Patents; and (iii) the Asserted Copyright are made in China by PowerUnion and/or have been imported into the United States, sold for importation into the United States and/or sold within the United States after importation by or for PowerUnion or others under at least the WindRunner and Ninebot brand names. *See* Confidential Declaration of Rod Keller (Ex. 42, “Keller Decl.”) ¶¶ 14-27.

10. On information and belief, Respondent Ninebot China is a Chinese corporation with its principal place of business located at Room 101,1/F, Building A-1, Northern Territory, Zhongguancun Dongsheng Science and Technology Park, No. 66, Xixiaokou Road, Haidian District, Beijing, China 100102. *See* [http://www.ninebot.com/About/Contact\\_us/](http://www.ninebot.com/About/Contact_us/) (visited April 17, 2014). On information and belief, Ninebot China may be related to Respondents PowerUnion and Beijing Universal Pioneering Technology Co., Ltd. *See* Ex. 42, Keller Decl. ¶¶ 20, 22, 27. On information and belief, certain personal transporters, components thereof, and their manuals that infringe (i) the Asserted Utility Patents; (ii) the ‘722 Patent; and (iii) the Asserted Copyright are made in China by Ninebot China and/or have been imported into the United States, sold for importation into the United States and/or sold within the United States after importation by or for Ninebot China or others under at least the Ninebot brand name. *See* Ex. 42, Keller Decl. ¶¶ 14-27.

11. On information and belief, Respondent Ninebot USA<sup>1</sup> is a domestic corporation incorporated in Delaware with registered agents at 113 Barksdale Professional Ctr., Newark, DE 19711 and at 2107 North First St., Suite 400, San Jose, CA. On information and belief, certain personal transporters, components thereof, and their manuals that infringe (i) the Asserted Utility

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<sup>1</sup> For purposes of this Complaint, Respondents Ninebot China and Ninebot USA will be collectively referred to as “Ninebot”.

Patents; (ii) the '722 Patent; and (iii) the Asserted Copyright have been marketed and imported into the United States, sold for importation and/or sold within the United States after importation by or for Ninebot USA under at least the Ninebot brand name. *See* Ex. 42, Keller Decl. ¶¶ 24-25.

12. On information and belief, Respondent Beijing Universal Pioneering Technology Co., Ltd. ("Technology") is a Chinese corporation with its principal place of business located at 501-505 4th Floor Zhongang Technology Building, Building 56, ZhiChun Road, Haidan District, Beijing, China 100098. On information and belief, Technology may be one and the same corporation as UPTECH and related to PowerUnion and Ninebot China. *See* Exh. 42, Keller Decl. ¶ 27. On information and belief, considering the relationship identified above, certain personal transporters, components thereof and their manuals that infringe (i) the Asserted Utility Patents; (ii) the Asserted Design Patents; and (iii) the Asserted Copyright are made in China by or for Technology and/or have been imported into the United States, sold for importation into the United States and/or sold within the United States after importation under at least the WindRunner and Ninebot brand names. *Id.*

13. On information and belief, Respondent UPTECH Robotics Technology Co., Ltd. ("UPTECH") is a Chinese corporation with its principal place of business located at Room 302,3/F TianLi Building No. 56, ZhiChun Road, Haidan District, Beijing, China 10098, and is believed to be a subsidiary or otherwise related to Technology. *See* Exh. 42, Keller Decl. ¶27. On information and belief, certain personal transporters, components thereof, and their manuals that infringe (i) the Asserted Utility Patents; (ii) the Asserted Design Patents; and (iii) the Asserted Copyright are made by or for UPTECH in China and/or have been imported into the United States, sold for importation into the United States and/or sold within the United States after importation under at least the WindRunner and Ninebot brand names. *Id.*

14. On information and belief, Respondent Beijing Universal Pioneering Robotics Co., Ltd. ("Robotics") is a Chinese corporation with its principal place of business located at 4F Zhong Hang Ke Ji Building, ZhiChun Road, Haidan District, Beijing, China 100098. On information and belief, Robotics may be one and the same corporation as UPTECH, or at least related to it. *See* Exh. 42, Keller Decl. ¶ 27. On information and belief, certain personal transporters, components thereof, and their manuals that infringe (i) the Asserted Utility Patents; (ii) the Asserted Design Patents; and (iii) the Asserted Copyright are made by or for Robotics in China and/or have been imported into the United States, sold for importation into the United States and/or sold within the United States after importation under at least the WindRunner and Ninebot brand names. *Id.*

15. On information and belief, Respondent Tech in the City, is a Hawaii Corporation with its principal place of business at 77 Pauahi St., Honolulu, Hawaii 96813. On information and belief, certain personal transporters, components thereof, and their manuals that infringe (i) the Asserted Utility Patents; (ii) the '722 Patent; and (iii) the Asserted Copyright have been imported into the United States, sold for importation into the United States and/or sold within the United States after importation by or for Tech in the City under at least the Ninebot brand name. *See* Ex. 42, Keller Decl. ¶ 28.

16. On information and belief, Respondent Shenzhen INMOTION Technologies Co., Ltd. ("INMOTION") is a Chinese corporation with its principal place of business located at (West Side) 1st Floor, Building 711, Pengji Industrial Zone, Liantang Street, Luohu District, Shenzhen, Guangdong, China 518000. On information and belief, INMOTION makes or has made on its behalf in China certain personal transporters and components thereof that infringe the Asserted Utility Patents which that have been imported into the United States, sold for importation into the

United States and/or sold within the United States after importation by or for INMOTION or others under the INMOTION brand name (alternatively, “Inmotion” or “InMotion”). *See* Ex. 42, Keller Decl. ¶¶ 33,34.

17. On information and belief, Respondent Robstep Robot Co., Ltd. (“Robstep”) is a Chinese corporation with its principal place of business located at Room 110, The R&D Building, No. 1 Sci & Tech Road 9, SSL Sci & Tech Industry Park, Dongguan, Guangdong, China 523808. On information and belief, certain personal transporters and components thereof that infringe at least the Asserted Utility Patents have been imported into the United States, sold for importation into the United States and/or sold within the United States after importation by or for Robstep under the Robstep brand name. *See* Ex. 42, Keller Decl. ¶¶ 29-32.

18. On information and belief, Respondent Roboscooters.com (“Roboscooters”) is a distribution entity with its principal place of business at 21541 Crawford Lake Rd., Laurel Hill, NC 28541. On information and belief, certain personal transporters, components thereof, and their manuals that infringe at least the Asserted Utility Patents, the ‘722 Patent, and the Asserted Copyright have been imported into the United States, sold for importation into the United States and/or sold within the United States after importation by or for Roboscooters under at least the Ninebot, Robstep and INMOTION brand names. *See* Ex. 42, Keller Decl. ¶32.

19. On information and belief, Respondent FreeGo High-Tech Corporation Limited is a Chinese corporation with its principal place of business located at 6/F, Block I, Electronic Info Industrial Park, HuangCheng Road, YangMei, Bantian, Shenzhen, China 518129 (“FreeGo” or “FreeGo China”). On information and belief, Freego China has manufactured in China certain personal transporters and components thereof that infringe the Asserted Utility Patents and Asserted Design Patents which have been imported into the United States, sold for importation

into the United States and/or sold within the United States after importation by or for FreeGo China or others under the FreeGo brand name. *See* Ex. 42, Keller Decl. ¶ 31-36.

20. On information and belief, Respondent Freego USA LLC (“Freego USA”) is an Iowa corporation with its principle place of business at 915 5<sup>th</sup> Pl., Sibley, IA 51249, and a registered agent at 8421 University Blvd., Ste M, Des Moines, IA, 50325. On information and belief, Freego USA has marketed and sold certain personal transporters and components thereof that infringe the Asserted Utility Patents and Asserted Design Patents, which have been imported into the United States, sold for importation and/or sold within the United States under at least the FreeGo brand name. *See* Ex. 42, Keller Decl. ¶ 36.

21. On information and belief, Respondent EcoBoomer Co. Ltd. (“EcoBoomer”) is a personal transporter distribution office located at 18139 Coastline Dr., Suite 3, Malibu, California 90265. On information and belief, EcoBoomer has marketed and sold certain personal transporters, components thereof, and accompanying manuals that infringe the Asserted Utility Patents, the ‘722 Patent, and the Asserted Copyright, which have been imported into the United States, sold for importation and/or sold within the United States under at least the brand names “EcoBoomer NINE” and “EcoBoomer INMOTION”, which are believed to be Ninebot and INMOTION products. *See* Ex. 42, Keller Decl. ¶ 37; [www.ecoboomer.tv](http://www.ecoboomer.tv) (visited May 6, 2014, claiming locations in Beijing, Shanghai and Los Angeles and showing Ninebot and INMOTION infringing articles).

### **III. THE ASSERTED PATENTS**

22. The Asserted Patents arise from a development effort between Segway Inc. and DEKA that created an international sensation with the launch of the iconic Segway Human Transporter in 2001, and the Segway Gen 2 Personal Transporter in 2005. The Segway Personal

Transporters are devices with two laterally disposed wheels (*i.e.*, co-axial) that lack stability from tipping fore-aft when unpowered, but are capable of being operated in a dynamically balanced mode. When dynamically balanced, the transporter remains upright and balanced by applying torque from the motor to the wheels, in response to one or more sensors that determine the pitch of the transporter (*e.g.*, sensors that determine the spatial orientation of the transporter in the fore-aft plane). Movement forward and backwards is controlled by the “lean” of the user - when the user leans forward, the transporter moves forward and, conversely, when the user leans backward, the transporter moves backward – while maintaining the balance of the transporter. The Asserted Utility Patents protect various key control functions of the Segway Personal Transporter that ensure the safety and enjoyment of the user. The Asserted Design Patents protect the ornamental features of Segway’s unique transporter designs.

**A. U.S. Patent No. 6,789,640**

23. The ‘640 Patent, entitled “Yaw Control for a Personal Transporter,” relates to methods and apparatus for yaw (or turning) control of a balancing transporter while maintaining the safe balance of the transporter. Exhibit 1 hereto is a copy of the ‘640 patent (certified copy with original of the Complaint). Balancing transporters typically have two laterally disposed (*i.e.*, co-axial) wheels, such as shown in Figure 1 to the ‘640 Patent:

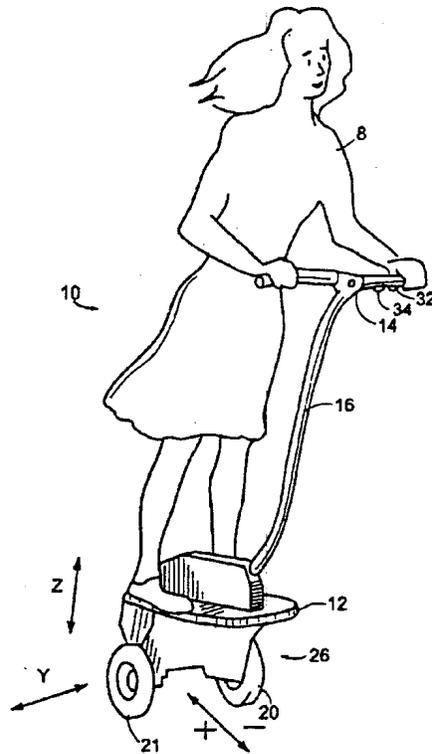


FIG. 1

24. As discussed above, the transporter remains upright and balanced by applying torque from the motor to the wheels, in response to one or more sensors that determine the pitch of the transporter (*e.g.*, sensors that determine the spatial orientation of the transporter in the fore-aft plane). Because the transporter is continually applying torque to the wheels to remain upright and to move the transporter forward and aft in response to the leaning of the user, executing a yaw command (*i.e.*, turning the vehicle to the right or left) is an added complexity that needs to be accomplished safely.

25. The claimed inventions of the '640 Patent allow for yaw (or turning) control in such a way as to maintain balance of the transporter in the course of executing yaw control for the safety of the user and to facilitate smooth turns while maintaining balance. The '640 Patent issued on September 14, 2004.

26. The '640 Patent names Richard W. Arling, W. Patrick Kellery, Philip LeMay, John B. Morrell, Jonathan B. Pompa and David W. Robinson as inventors. The inventors assigned their interests to Complainant DEKA Products Limited Partnership on April 10, 2003. A copy of the assignment is attached as Exhibit 6 (certified copy with original of the Complaint).

27. Segway Inc. is the exclusive licensee under the '640 Patent in the relevant field pursuant to a license agreement with DEKA. A confidential description of the license agreement and a confidential copy of the license agreement are attached as Confidential Exhibit 7. Accordingly, DEKA and Segway Inc. hold all right, title and interest in and to the '640 Patent for uses in the relevant field.

28. With this Complaint, Complainants have filed a certified copy and three additional copies of the prosecution history of the '640 Patent (Application Serial No. 10/308,850) as Appendix A. Complainants have filed four copies of each patent and technical reference identified in the prosecution history of the application leading to the issuance of the '640 Patent as Appendix B.

29. In general, the claimed inventions of the '640 Patent described methods and apparatus for the yaw (or turning) control of the balancing transporter, in which the user provides a yaw input (*e.g.*, an input of a desired yaw direction and/or yaw rate) and a summer determines the difference between the current yaw direction and/or yaw rate and the user-input yaw direction and/or yaw rate to generate a yaw command signal. Similarly, a pitch (or leaning) command signal is also generated based on the pitch (or leaning) of the user. These two command signals (yaw and pitch) are then applied in such a way as ensure that the balancing transporter remains balanced in the process of turning the transporter.

**B. U.S. Patent No. 7,275,607**

30. The '607 Patent, entitled "Control of a Personal Transporter Based on User Position," relates to improved controllers for a transporter. Exhibit 2 hereto is a copy of the '607 patent (certified copy with the original of the Complaint). The yaw input device of the first generation Segway Personal Transporter consisted of a twist grip on the handlebar of the transporter. While the Segway Personal Transporter is dynamically balanced in the fore-aft plane, its lateral stability comes from the two laterally disposed wheels. Similar in some ways to riding a motorcycle, the user must "lean into" a turn, particularly a sharp turn, to maintain proper lateral stability. The hard movement required to actuate twist grip did not encourage the user to achieve the correct body position to execute a proper turn. In other words, the twist grip did not encourage the user to lean into a turn.

31. The claimed inventions of the '607 Patent encourage proper riding posture by linking the yaw input to the body position of the user – for example, if the user leans left while holding onto a handlebar/control shaft, the transporter turns left (and, conversely, if a user leans right while holding onto a handlebar/control shaft, the transporter turns right). Moreover, the lean of the user while holding onto the handlebar/control shaft is proportional – the further the user leans to the right (or left), the sharper the turn. Thus, the user is encouraged to lean a little into a gentle turn and encouraged to lean a lot into a sharp turn for optimal riding posture.

32. This improved yaw control, which allows for safer, more intuitive, and more natural yaw (or turning) control, was implemented in the second generation Segway Personal Transporter (or Segway Gen 2) as the breakthrough LeanSteer™ technology. The '607 Patent issued on October 2, 2007.

33. The '607 Patent names Dean Kamen, Robert R. Ambrogi, James J. Dattolo, Robert J. Duggan, J. Douglas Field, Richard Kurt Heinzmann, Matthew M. McCambridge, John B. Morrell, Michael D. Piedmonte and Richard J. Rosasco as inventors. The inventors assigned their interests to DEKA Products Limited Partnership on or before December 21, 2004. A certified copy of the assignment is attached as Exhibit 8 (certified copy with the original of the Complaint).

34. Segway Inc. is the exclusive licensee under the '607 Patent in the relevant field pursuant to a license agreement with DEKA. A confidential description of the license agreement and a confidential copy of the license agreement are attached as Confidential Exhibit 7. Accordingly, DEKA and Segway hold all right, title and interest in and to the '607 Patent for uses in the relevant field.

35. With this Complaint, Complainants have filed a certified copy and three additional copies of the prosecution history of the '607 Patent (Application Serial No. 10/939,955) as Appendix C. Complainants have filed four copies of each patent and technical reference identified in the prosecution history of the application leading to the issuance of the '640 Patent as Appendix D.

36. In general, the claimed inventions of the '607 Patent describe a controller for a transporter that receives an input from the user of a desired yaw (or turning) direction and rate based on the body orientation of the user. The controller also determines the desired direction of motion of the transporter based on its pitch as determined by a pitch state estimator. A processor then generate a command signal based at least on these input in such a manner as to maintain balance of the transporter in the course of achieving the desired yaw (or turning) and direction of the transporter. In particular, claim 7 of the '607 Patent goes on to claim an invention in which

the desired yaw direction and rate are input based on the position of the control shaft (*e.g.*, handlebar).

**C. U.S. Design Patent No. D551,722**

37. The '722 Patent, entitled "Human Transporter," issued on September 25, 2007, and names Shih-Tao Chang and Scott Waters as inventors. Exhibit 3 hereto is a copy of the '722 patent (certified copy with the original of the Complaint). The inventors assigned their interests to Segway LLC on June 29, 2006. Segway LLC assigned its interest to Segway Inc. on October 9, 2006. Copies of these assignments are attached as Exhibits 9 and 10, respectively (certified copies with the original of the Complaint).

38. With this Complaint, Complainants have filed a certified copy and three additional copies in electronic format of the prosecution history of the '722 Patent (Application Serial No. 29/262,411) as Appendix E. Complainants have filed four copies in electronic format of each patent and technical reference identified in the prosecution history of the application leading to the issuance of the '722 Patent as Appendix F.

39. The '722 Patent claims an ornamental design for a personal transporter as shown and described in the following figures:

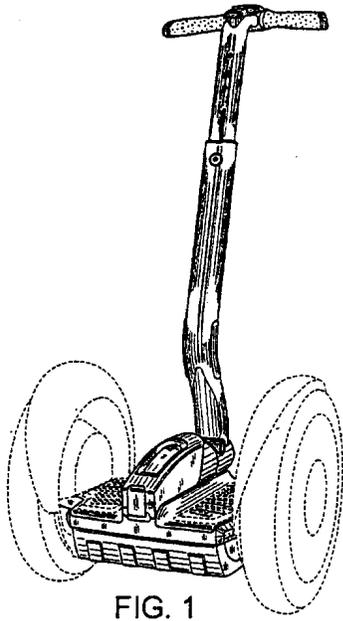


FIG. 1

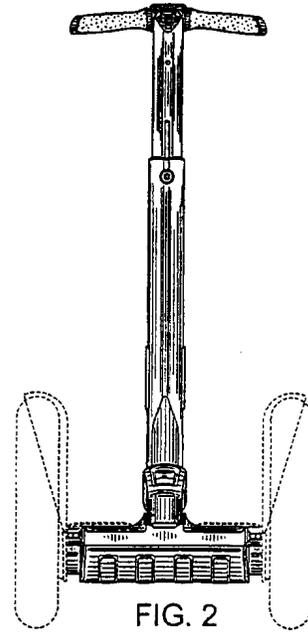


FIG. 2

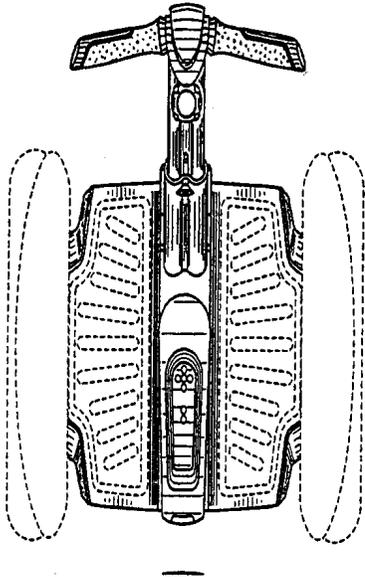


FIG. 3

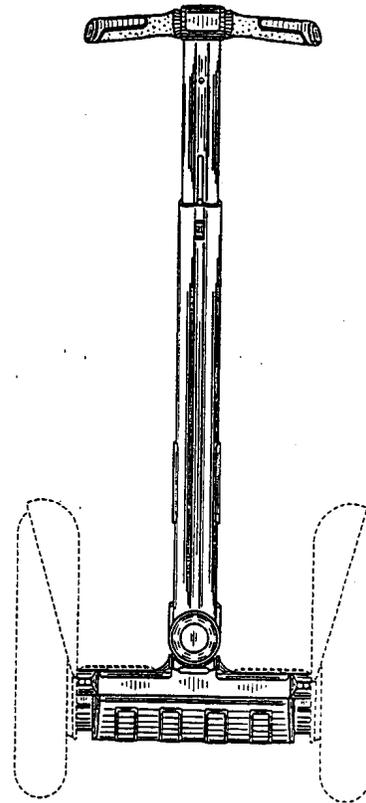


FIG. 4

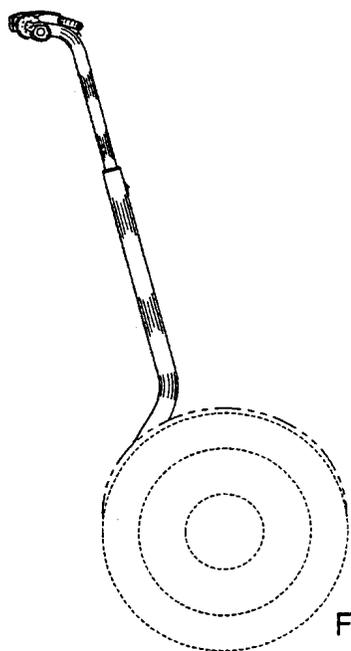


FIG. 5

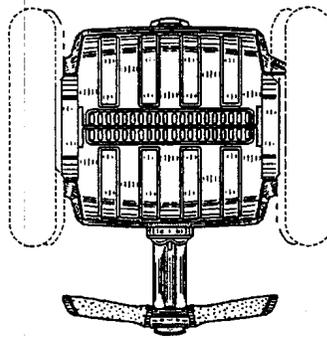


FIG. 6

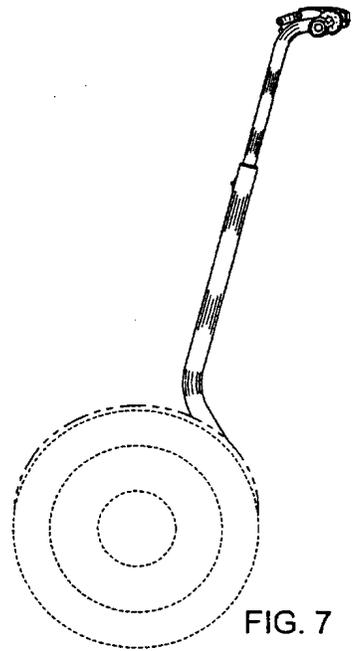


FIG. 7

**D. U.S. Design Patent No D551,592**

40. The '592 Patent, entitled "Human Transporter," issued on September 25, 2007, and names Shih-Tao Chang and Scott Waters as inventors. Exhibit 4 hereto is a copy of the '592 patent (certified copy with the original of the Complaint). The inventors assigned their interests to Segway LLC on June 30, 2006. Segway LLC assigned its interest to Segway Inc. on October 9, 2006. Copies of these assignments are attached as Exhibits 11 and 12, respectively (certified copies with the original of the Complaint).

41. With this Complaint, Complainants have filed a certified copy and three additional copies in electronic format of the prosecution history of the '592 Patent (Application Serial No. 29/262,412) as Appendix G. Complainants have filed four copies in electronic format of each patent and technical reference identified in the prosecution history of the application leading to the issuance of the '592 Patent as Appendix H.

42. The '592 Patent claims an ornamental design for a personal transporter as shown and described in the following figures:

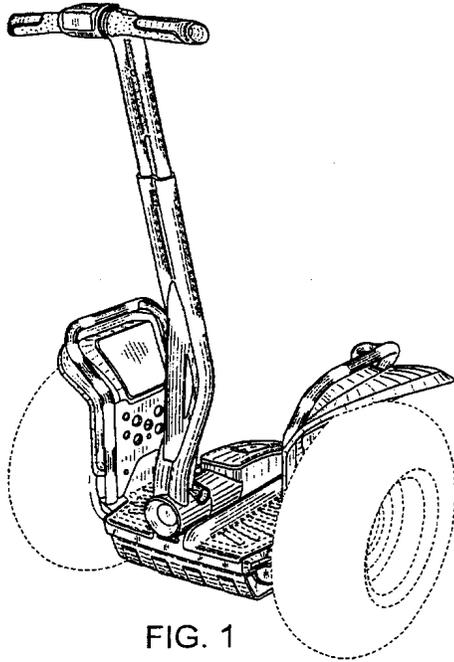


FIG. 1

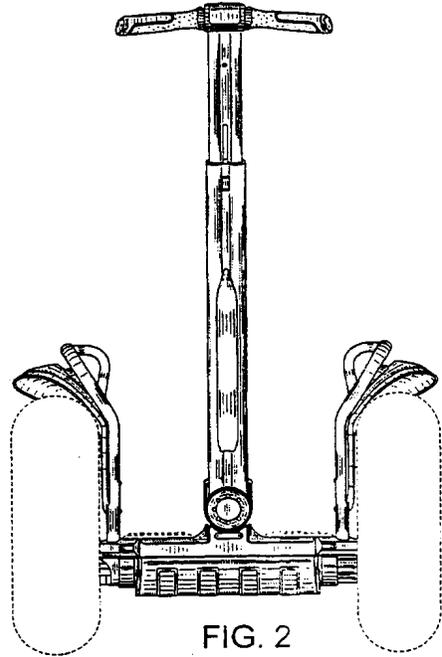


FIG. 2

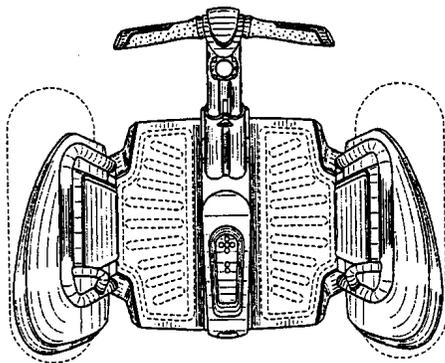


FIG. 3

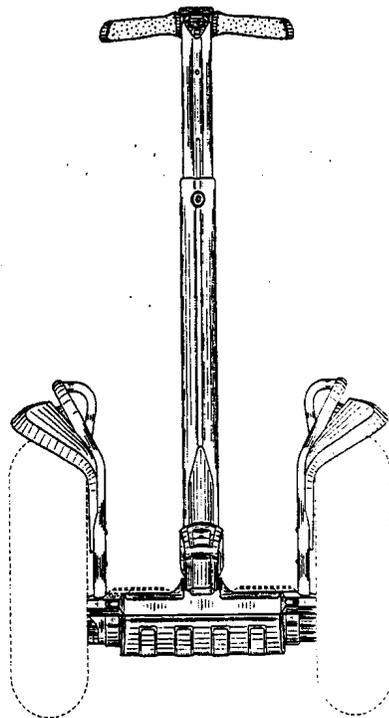
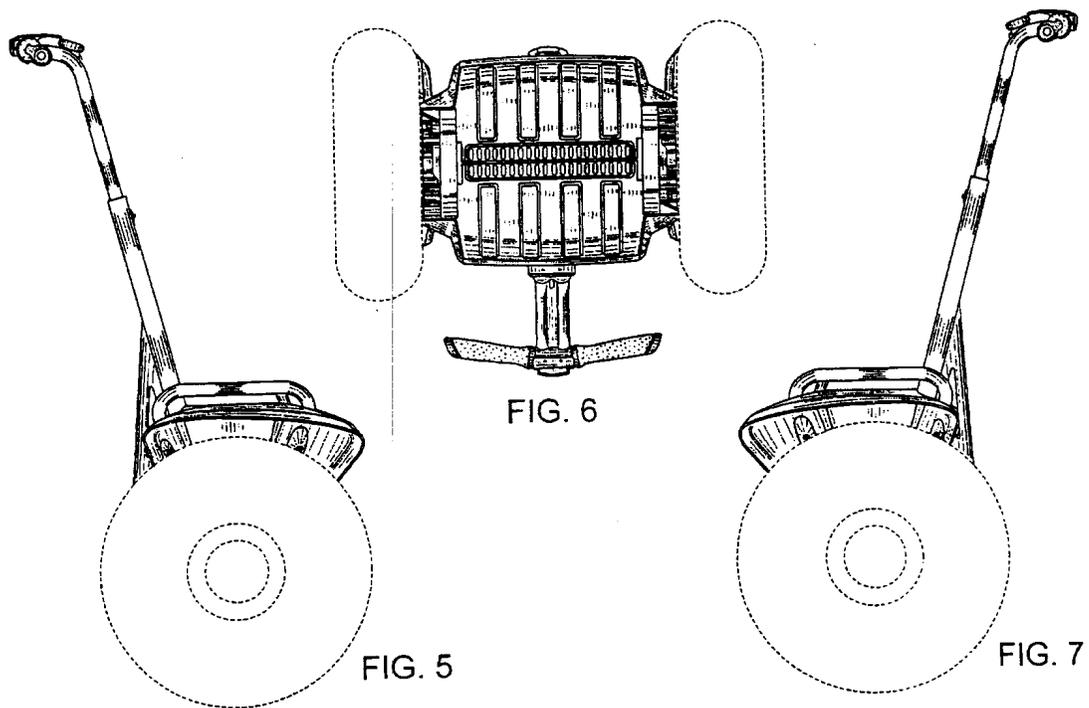


FIG. 4



**E. Foreign Counterparts of the Asserted Patents**

43. There are no foreign patents or foreign patent applications pending, filed, abandoned, withdrawn or rejected corresponding to the '640 Patent.

44. The foreign counterpart patents and/or applications to the '607 Patent are listed below. Apart from those listed, there are no other foreign patents or foreign patent applications pending, filed, abandoned, withdrawn or rejected corresponding to the '607 Patent.

Country	Application Number	Status	Patent/Publication Number
Canada	2580632	Pending	
China	2005800388177	Issued	2005800388177
Denmark	58008665	Issued	58008665
France	58008665	Issued	58008665
Great Britain	58008665	Issued	58008665
Hong Kong	81042778	Pending	
Italy	58008665	Issued	58008665
Japan	2006-33331	Pending	
Spain	58008665	Issued	58008665

45. The foreign counterpart patents and/or applications to the '772 Patent are listed below. Apart from those listed, there are no other foreign patents or foreign patent applications pending, filed, abandoned, withdrawn or rejected corresponding to the '722 Patent.

Country	Application Number	Status	Patent/Publication Number
China	200630316014.0	Abandoned	739522
EU	000643630-0002	Granted	000643630-0002
Japan	2006-33331	Abandoned	1323922
Taiwan	95307310	Abandoned	D124942

46. The foreign counterpart patents and/or applications to the '592 Patent are listed below. Apart from those listed, there are no other foreign patents or foreign patent applications pending, filed, abandoned, withdrawn or rejected corresponding to the '592 Patent.

Country	Application Number	Status	Patent/Publication Number
China	200630316015.5	Abandoned	ZL0630316015.5
EU	000643630-0001	Granted	000643630-0001
Japan	2006-33330	Abandoned	1314974
Taiwan	95307311	Abandoned	D124943

**F. Licensees Under the Asserted Utility Patents**

47. A confidential description of the relevant license agreements is attached as Confidential Exhibit 7, with the relevant confidential license agreements attached thereto.

**G. Licensees Under the Asserted Design Patents**

48. Segway Inc. has not licensed any of the Asserted Design Patents.

**IV. The Asserted Copyright**

49. The Asserted Copyright protects Segway Inc.'s creative expression embodied in its works entitled (i) Getting Started Manual Segway Personal Transporter (PT) i2, x2 (Ex. 13); and (ii) Reference Manual Segway Personal Transporter (PT) i2, x2 (Ex. 14), collectively referred to herein as the "Manuals", including the illustrations within the Manuals.

50. Each second generation Segway Personal Transporter models i2 and x2, sold until the introduction in April 2014 of the Segway Personal Transporter “SE” models, was sold with copies of each of the two Manuals. The Manuals are designed, illustrated, written, printed and sold by Segway Inc. in the United States.

**A. Copyright Registration No. Reg. No. TX-7-800-563, including “Getting Started Manual Segway Personal Transporter (PT) i2, s2”**

51. “Getting Started Manual Segway Personal Transporter (PT) i2, x2” was created as a work-for-hire by Segway Inc. employees for Segway Inc. Segway Inc. is thus the author of this Manual and the owner of the Copyright subsisting therein. A copy of the Copyright Registration Certificate is appended hereto as Exhibit 5 (original certificate with original of the Complaint).

**B. Copyright Registration No. Reg. No. TX-7-800-563, including “Reference Manual Segway Personal Transporter (PT) i2, x2”**

52. “Reference Manual Segway Personal Transporter (PT) i2, x2” was created as a work-for-hire by Segway Inc. employees for Segway Inc. Segway Inc. is thus the author of this Manual and the owner of the copyright subsisting therein. A copy of the Copyright Registration Certificate is appended hereto as Exhibit 5 (original certificate with original of the Complaint).

**C. Licenses Under the Asserted Copyright**

53. Segway Inc. has not licensed the Asserted Copyright.

**V. THE PRODUCTS AT ISSUE**

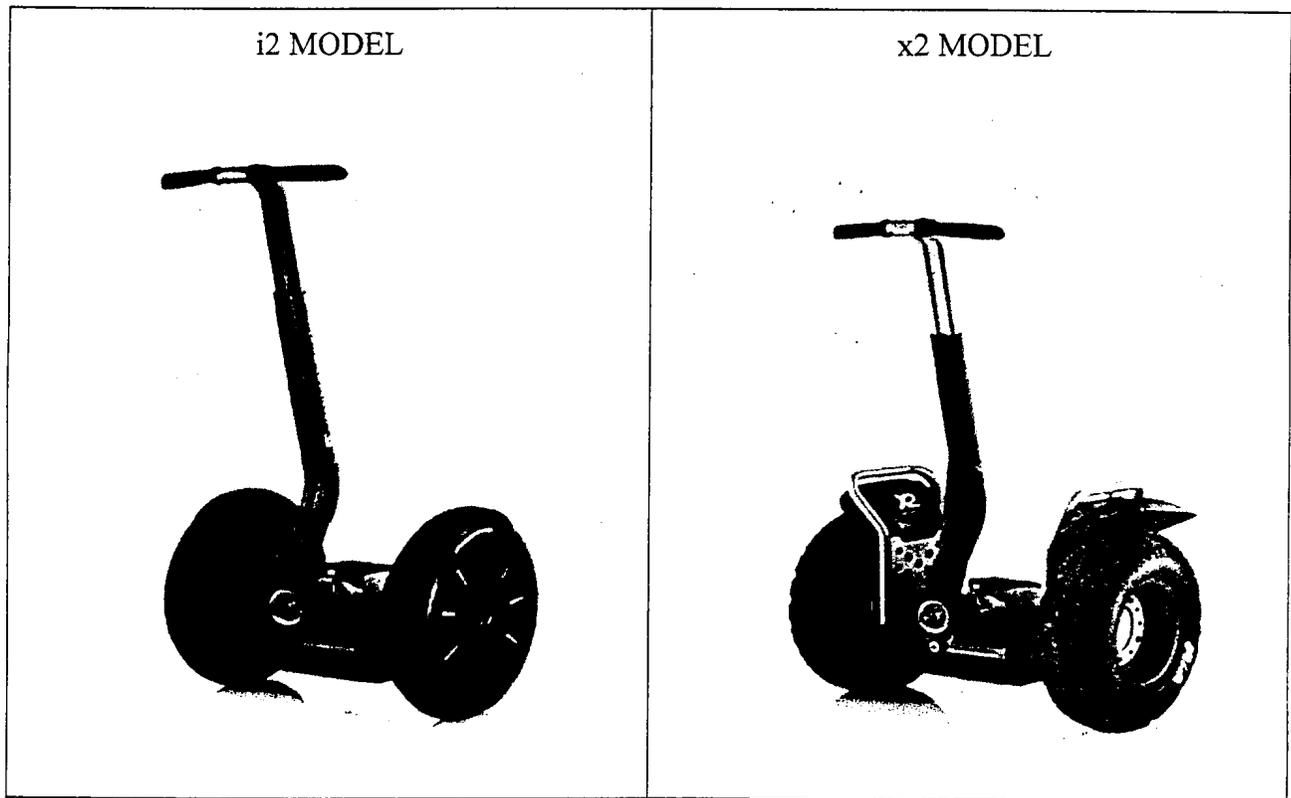
**A. Segway’s Personal Transporters and Associated Manuals**

54. Segway Inc. created the market for personal transporters when it introduced the first self-balancing, zero-emission personal vehicle in 2001: the Segway® Human Transporter (now known as the Segway Personal Transporter (PT)). Founded on a vision to develop highly-efficient, zero-emission transportation solutions using dynamic stabilization technology, Segway

Inc.'s research and development was focused on creating devices that took up a minimal amount of space, were extremely maneuverable and could operate on pedestrian sidewalks and pathways.

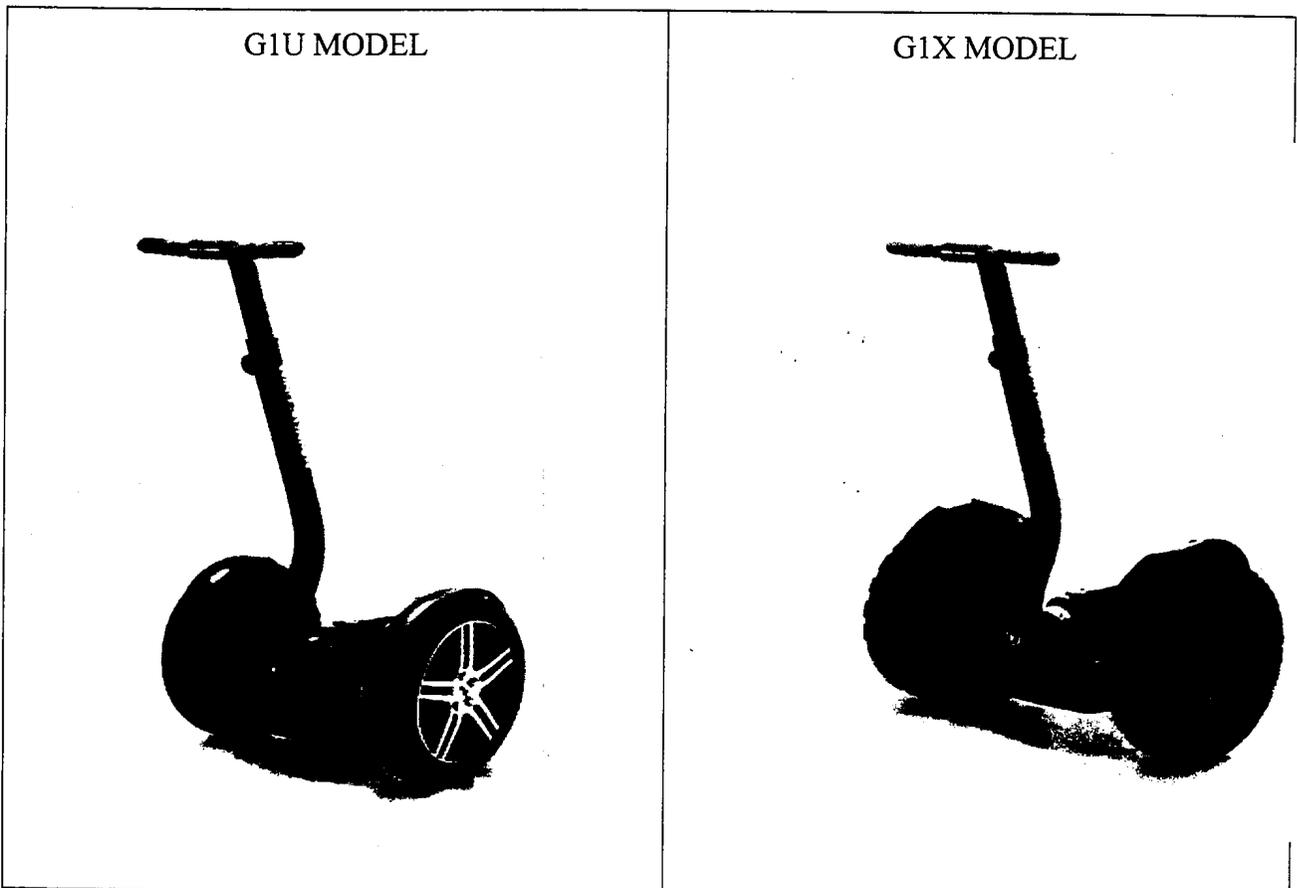
55. Since August 2006, Segway Inc. has sold its second generation of personal transporter vehicles, which include the patented LeanSteer™ technology. The initial models were: the i2, with thin non-marking tires for most urban and suburban paved surfaces; and the x2, with deeply-treaded, all-terrain tires for off-road uses. Both models were sold and distributed with the Manuals. True and accurate copies of the Manuals are appended hereto as Exhibits 13 and 14. Segway Inc.'s sales of the i2 and x2 models ceased in March 2014, and were replaced by sales of new second generation models, the SE i2 and the SE x2, which also include the patented LeanSteer™ technology, and are sold with the Manuals.

56. Representative pictures of the i2 and x2 models are shown below:

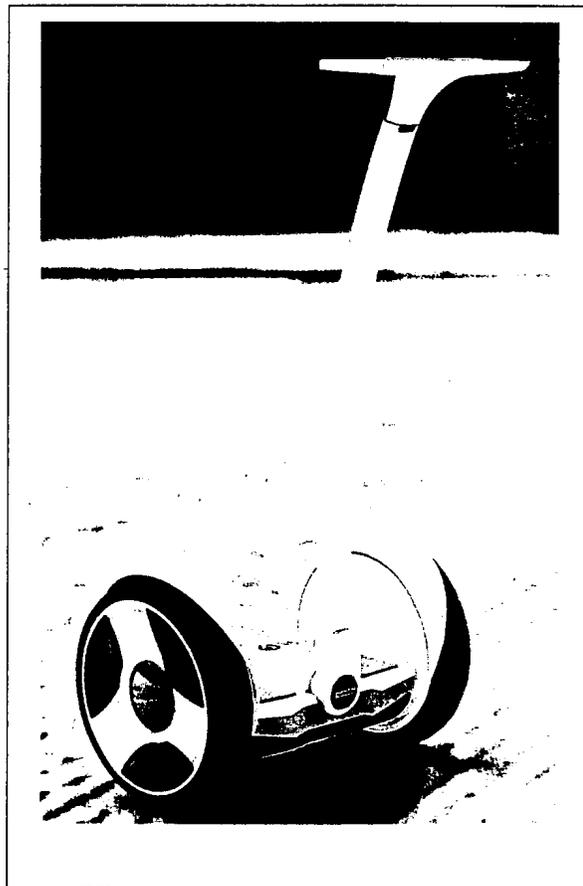


**B. Respondents' Infringing Products**

57. On information and belief, at least Respondents PowerUnion, UPTECH, Robotics and Technology make or have made in China, and/or sell for importation into the United States, import into the United States and/or sell within the United States after importation at least two models of infringing products under the trade name WindRunner: G1U (Urban standard) and G1X (Off-road standard). The WindRunner products pictured below are representative of the "WindRunner brand products" that infringe the Asserted Design Patents and the Asserted Utility Patents. *See* Ex. 40, ¶¶ 1-10; Ex. 42, Keller Decl. ¶22. The operating manuals that accompany imported infringing WindRunner brand product infringe the Asserted Copyright. *See* Exs. 16 and 39.



58. On information and belief, Respondents PowerUnion and Ninebot China make in China or have made, and/or sell for importation into the United States, import into the United States and/or sell within the United States after importation an infringing personal transporter under the trade name Ninebot. The Ninebot mini-flight pictured below is representative of the “Ninebot brand products” that infringe the Asserted Utility Patents and at least the ‘722 patent of the Asserted Design Patents. See Ex. 42, Keller Decl. ¶¶ 14 – 20; Ex.15, Kamen Decl. ¶¶ 3, 22, 23 and exhibits thereto. The operating manuals that accompany the imported infringing Ninebot brand products infringe the Asserted Copyright. See Ex. 19.



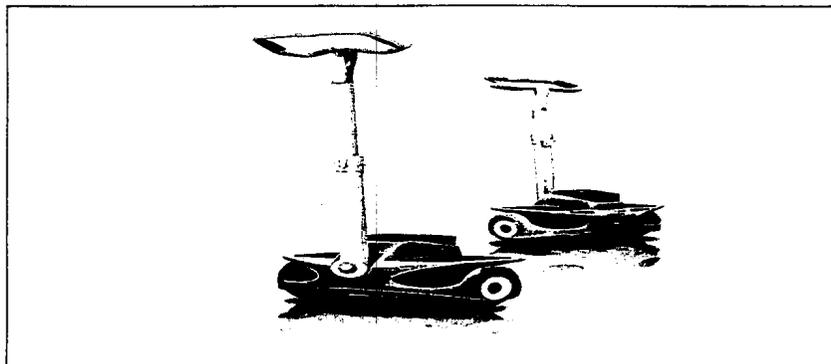
59. On information and belief, Respondent INMOTION makes or has made, and/or sells for importation into the United States, imports into the United States and/or sells within the

United States after importation an infringing personal transporter under the trade name INMOTION. The INMOTION SCV R1 (Sensor Controlled Vehicle) pictured below is representative of the “INMOTION brand products” that infringes the Asserted Utility Patents.

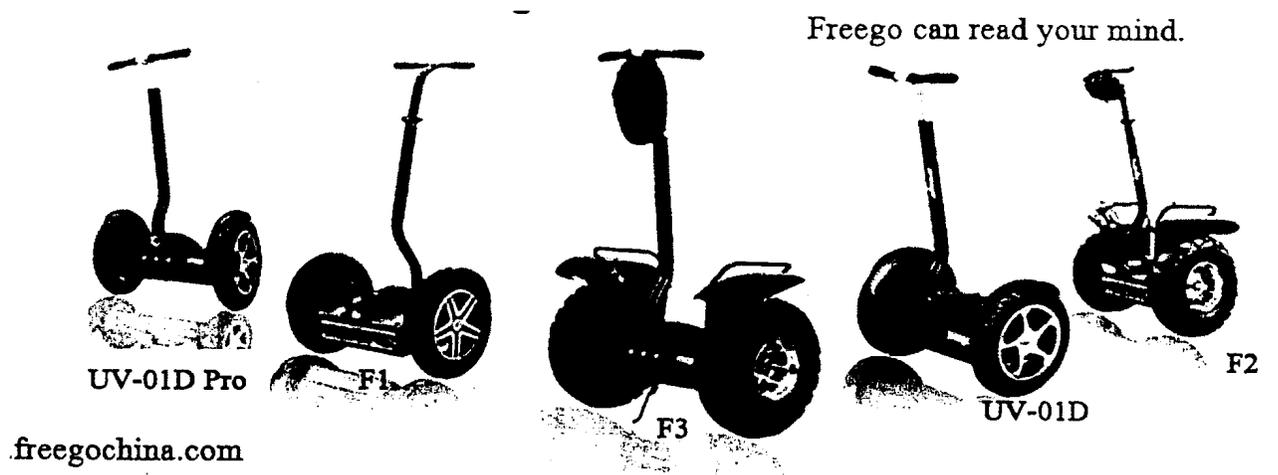
See Ex. 42, Keller Decl. ¶¶ 33, 34.



60. On information and belief, Respondent Robstep sells for importation into the United States, imports into the United States and/or sells within the United States after importation infringing products under the trade name Robstep, including but not limited to the Robstep M1. The Robstep M1 pictured below is representative of the “Robstep brand products” that infringe the Asserted Utility Patents. See Ex. 42, Keller Decl. ¶¶ 29-32.



61. On information and belief, the FreeGo Respondents (FreeGo High-Tech Corporation Ltd. and FreeGo USA) make or have made in China and /or sell for importation into the United States, import into the United States and/or sell within the United States after importation infringing products under the FreeGo trade names, including but not limited to models UV-01D Pro, UV-01D, F1, F2 and F3. The FreeGo F3 model among the five (5) FreeGo models pictured below is representative of the “FreeGo brand products” that infringe the Asserted Design and the Asserted Utility Patents. *See* Ex. 42, Keller Decl. ¶ 36.



62. On information and belief, Respondent EcoBoomer sells for importation into the United States, imports into the United States and/or sells within the United States after importation at least two models of infringing products under the trade names EcoBoomer Nine and EcoBoomer Inmotion. On information and belief, the EcoBoomer NINE is the same product as the infringing Ninebot mini flight and the EcoBoomer INMOTION is the same product as the infringing Inmotion SCV R1. *See* Ex. 42, Keller Decl. ¶ 37.

63. On information and belief, Respondent Tech in the City sells for importation into the United States, imports into the United States and/or sells within the United States after importation at least one of the Ninebot brand infringing products identified above. *See* Ex. 42, Keller Decl. ¶ 28.

64. On information and belief, Respondent Roboscooters.com sells for importation into the United States, imports into the United States and/or sells within the United States after importation at least the Ninebot, Inmotion and Robstep brands of infringing products identified above. *See* Ex. 42, Keller Decl. ¶ 32.

## **VI. RESPONDENTS' UNLAWFUL AND UNFAIR ACTIONS UNDER § 1337**

### **A. Respondents' Infringement of the '640 Patent**

65. On information and belief, units of the accused WindRunner brand products are sold for importation into the United States are imported into the United States and/or sold after importation in the United States, and infringe at least claim 4 of the '640 Patent and, to be determined upon discovery, likely claims 2 and 3 and perhaps others. Claim charts that apply claim 4 to representative WindRunner brand accused products, the WindRunner G1U and WindRunner G1X, are attached to this Complaint as Exhibits 17 and 18, respectively, referring to the Confidential Declaration of Dean Kamen (Ex. 15, "Kamen Decl.") and the WindRunner User Manual (Ex. 16). The WindRunner brand accused products, including the representative WindRunner G1U and G1X are, on information and belief, made in China by or for, and/or imported, sold for importation and/or sold after importation into the United States by or for at least Respondents PowerUnion, UPTECH, Robotics and Technology and others. *See* Ex. 42, Keller Decl. ¶ 22; Ex. 40.

66. On information and belief, units of the accused Ninebot brand products are sold for importation into the United States, imported into the United States and/or sold after importation in the United States and infringe at least claim 4 of the '640 Patent and, to be determined upon discovery, likely claims 2 and 3 and perhaps others. A claim chart that applies claim 4 to a representative Ninebot-brand accused product, the Ninebot mini-flight, is attached to this

Complaint as Exhibit 20, referring to Kamen Decl. (Ex. 15) and the Ninebot User Manual (Ex. 19). The Ninebot brand accused products are, on information and belief, made in China by or for, and/or imported, sold for importation and/or sold after importation into the United States by or for at least Respondents Power Union, Ninebot, UPTECH, Robotics, Technology, EcoBoomer, Tech in the City, and Roboscooters.com. *See* Ex. 42, Keller Decl. ¶¶ 14-28, 32, and 37.

67. On information and belief, units of the INMOTION brand accused products are sold for importation into the United States, imported into the United States and/or sold after importation in the United States and infringe at least claim 4 of the '640 Patent and, to be determined upon discovery, likely claims 2 and 3 and perhaps others. A claim chart that applies claim 4 to a representative INMOTION accused product, the INMOTION SCV R1, is attached to this Complaint as Exhibit 22, referring to Kamen Decl. (Ex. 15) and the INMOTION SCV User Manual (Ex. 21). The INMOTION brand accused products are, on information and belief, made in China by or for, and/or imported, sold for importation and/or sold after importation into the United States by or for at least Respondents INMOTION, EcoBoomer, and Roboscooters.com. *See* Ex. 42, Keller Decl. ¶¶ 32-34, 37.

68. On information and belief, units of the Robstep brand accused products are sold for importation into the United States, imported into the United States and/or sold after importation in the United States and infringe at least claim 4 of the '640 Patent and, to be determined upon discovery, likely claims 2 and 3 and perhaps others. A claim chart that applies claim 4 to a representative Robstep brand accused product, the Robstep M1, is attached to this Complaint as Exhibit 24, referring to Kamen Decl. (Ex.15) and the Robin User's Manual (Ex. 23). The Robstep brand accused products are, on information and belief, made in China by or for, and/or imported, sold for importation and/or sold after importation into the United States by or for

at least Respondents Robstep and Roboscooters.com. *See* Ex. 42, Keller Decl. ¶¶ 29-32; Ex. 41, Crocco Decl.

69. On information and belief, units of the FreeGo brand accused products are sold for importation into the United States, imported into the United States and/or sold after importation in the United States, and infringe at least claim 4 of the '640 Patent and, to be determined upon discovery, likely claims 2 and 3 and perhaps others. A claim chart that applies claim 4 to a representative FreeGo brand accused product, the FreeGo F3, is attached to this Complaint as Exhibit 26, referring to Kamen Decl. (Ex. 15) and the FreeGo user manual (Ex. 25). The FreeGo brand accused products are, on information and belief, made in China by or for, and/or imported, sold for importation and/or sold after importation into the United States by or for at least Respondents FreeGo China and FreeGo USA. *See* Ex. 42, Keller Decl. ¶¶ 35, 36.

70. On information and belief, Respondents identified in paragraphs 65-69 actively induce others, including distributors and end-users who possess, demonstrate, sell or use the personal transporters identified in paragraphs 65-69 above, to commit direct infringement of at least claims 1 and 4 of the '640 patent and, to be determined upon discovery, likely claims 2 and 3 and perhaps others. On information and belief, distributors and end-users who possess, demonstrate, sell or use the personal transporters identified above directly infringe at least claims 1 and 4 of the '640 patent and, to be determined upon discovery, likely claims 2 and 3 and perhaps others. *See* claim charts at Exhibits 17, 18, 20, 22, 24 and 26. On information and belief, Respondents are aware of the '640 patent or have acted with willful blindness to its existence. Since at least October 2011, all Segway model i2 and x2 personal transporters have had affixed to them a label that reads "Patents: <http://www.segway.com/downloads/pdfs/ReferenceManual.pdf>." The Reference Manual to which one is directed by this label contains, on pp. 141 and 142, a list

of Segway patents and applications that cover the product, including the '640 patent. Further, Respondents have had actual knowledge of the '640 patent at least as of the filing of this Complaint. These model Segway personal transporters were the original such personal transporters in the U.S. and world market, and were recognized as pioneering and inventive, and therefore one would believe they were almost certainly covered by U.S. patents. Indeed, Respondents' accused products duplicate, in some cases extremely closely, the design and operation of these Segway personal transporters, and Respondents often reference and compare in their advertisements and elsewhere their infringing product to the patented Segway personal transporters in operations. On information and belief, Respondents intend their infringing products to largely if not completely mimic Segway's personal transporters in operation. Further, on information and belief, Respondents by providing at least manuals, training, guides, videos and/or demonstrations, induce distributors and/or end-users of the transporters identified in paragraphs 66-70 to perform acts intended by Respondents to cause direct infringement of at least claims 1 and 4 of the '640 patent and, to be determined upon discovery, likely claims 2 and 3 and perhaps others.

71. On information and belief, Respondents contribute to infringement by others of at least claims 1 and 4 of the '640 patent and, to be determined upon discovery, likely claims 2 and 3 and perhaps others, including distributors and end-users who possess, demonstrate, sell or use the personal transporters identified in paragraphs 65-69 above. Respondents contribute to such infringement, at least by providing to such distributors and end-users, personal transporters or components thereof which are specially made or adapted for use in an infringement of these claims and are not staple articles of commerce suitable for substantial non-infringing use. On information and belief, as discussed in the immediate prior paragraph, Respondents had

knowledge or acted with willful blindness to the fact that the personal transporters or components thereof are specially made or adapted for use to infringe the '640 patent and are not staple articles of commerce suitable for substantial non-infringing use.

**B. Respondents' Infringement of the '607 Patent**

72. On information and belief, units of the WindRunner brand accused products, sold for importation into the United States, imported into the United States and/or sold after importation in the United States, infringe at least claims 1, 3 and 7 of the '607 Patent and, to be determined upon discovery, perhaps other claims. Claim charts that apply claims 1 and 7 to representative WindRunner brand accused products, the WindRunner G1U and WindRunner G1X, are attached to this Complaint as Exhibits 27 and 28, respectively, referring to Kamen Decl. (Ex. 15) and the WindRunner User Manual (Ex. 16). The WindRunner brand accused products, including the representative WindRunner G1U and G1X products are, on information and belief, made in China by or for, or imported, sold for importation and/or sold after importation into the United States by or for at least Respondents PowerUnion, UPTECH, Robotics and Technology. *See* Ex. 42, Keller Decl. ¶ 22; Ex. 40.

73. On information and belief, units of the Ninebot brand accused products sold for importation into the United States, imported into the United States and/or sold after importation in the United States, infringe at least claims 1, 3 and 7 of the '607 Patent and, to be determined upon discovery, perhaps other claims. A claim chart that applies claims 1 and 7 to a representative accused Ninebot brand product, the Ninebot mini-flight, is attached to this Complaint as Exhibit 29, referring to Kamen Decl. (Ex. 15) and the Ninebot User Manual (Ex. 19). The accused Ninebot brand products are, on information and belief, made in China by or for, and/or imported, sold for importation and/or sold after importation into the United States by or for at least

Respondents Power Union, Ninebot, UPTECH, Robotics, Technology, EcoBoomer, Tech in the City, and Roboscooters.com.. *See* Ex. 42, Keller Decl. ¶¶ 14-28, 32, and 37.

74. On information and belief, units of the INMOTION brand accused products sold for importation into the United States, imported into the United States and/or sold after importation in the United States, infringe at least claims 1, 3 and 7 of the '607 Patent and, to be determined upon discovery, perhaps other claims. A claim chart that applies claims 1 and 7 to a representative INMOTION brand accused product, the INMOTION SCV R1, is attached to this Complaint as Exhibit 30, referring to Kamen Decl. (Ex. 15) and the INMOTION SCV [INMOTION R-1] User Manual (Ex. 21). The accused INMOTION SCV brand products are, on information and belief, made in China by or for, and/or imported, sold for importation and/or sold after importation into the United States by or for at least Respondents INMOTION, EcoBoomer, and roboscooters.com. *See* Ex. 42, Keller Decl. ¶¶ 32-34, and 37.

75. On information and belief, units of the Robstep brand accused products sold for importation into the United States, imported into the United States and/or sold after importation in the United States, infringe at least claims 1, 3 and 7 of the '607 Patent and, to be determined upon discovery, perhaps other claims. A claim chart that applies claims 1 and 7 to a representative Robstep brand accused product, the Robstep M1, is attached to this Complaint as Exhibit 31, referring to Kamen Decl. (Ex.15) and the Robin [Robstep M-1] User's Manual (Ex. 23). The accused Robstep brand products are, on information and belief, made in China by or for, and/or imported, sold for importation and/or sold after importation into the United States by or for at least Respondent Robstep and roboscooters.com. *See* Ex. 42, Keller Decl. ¶¶ 29-32; Ex. 41; Crocco Decl.

76. On information and belief, units of the FreeGo brand accused products sold for importation into the United States, imported into the United States and/or sold after importation in the United States, infringe at least claims 1, 3 and 7 of the '607 Patent and, to be determined upon discovery, perhaps other claims. A claim chart that applies claims 1 and 7 to a representative FreeGo brand accused product, the FreeGo F3, is attached to this Complaint as Exhibit 32, referring to Kamen Decl. (Ex. 15) and the FreeGo user manual (Ex. 25). The accused FreeGo brand products are, on information and belief, made in China by or for, and/or imported, sold for importation and/or sold after importation into the United States by or for at least Respondents FreeGo China and FreeGo USA. *See* Ex. 42, Keller Decl. ¶¶ 35, 36.

77. On information and belief, at least Respondents identified in paragraphs 72-76 above actively induce others, including distributors and end-users who possess, demonstrate, sell or use the personal transporters identified in paragraphs 72-76 above, to commit direct infringement of at least claims 1, 3 and 7 of the '607 patent and, to be determined upon discovery, perhaps other claims. On information and belief, distributors and end-users who possess, demonstrate, sell or use the personal transporters identified above directly infringe at least claims 1, 3 and 7 of the patent and, to be determined upon discovery, perhaps other claims. *See* claim charts at Exhibits 27-32. On information and belief, Respondents are aware of the '607 patent or have acted with willful blindness to its existence. Since at least October 2011, all Segway model i2 and x2 personal transporters have had affixed to them a label that reads "Patents: <http://www.segway.com/downloads/pdfs/ReferenceManual.pdf>." The Reference Manual to which one is directed by this label contains, on pp. 141 and 142, a list of Segway patents and applications that cover the product, including application 20050121866, which is the application for the '607 patent. Further, Respondents have had actual knowledge of the '607 patent at least as

of the filing of this Complaint. Also, these model Segway personal transporters were the original such personal transporters in the U.S. and world market, and were recognized as pioneering and inventive, and therefore one would believe that they were almost certainly covered by U.S. patents. Indeed, Respondents' accused products duplicate, in some cases extremely closely, the design and operation of these Segway personal transporters, and Respondents often reference and compare in their advertisements and elsewhere their infringing product to the Segway personal transporters. On information and belief, Respondents intend their infringing products to largely if not completely mimic Segway's personal transporters in operation. Further, on information and belief, Respondents by providing at least manuals, training, guides, videos and/or demonstrations, induce distributors and/or end-users of the transporters identified in paragraphs 72-76 to perform acts intended by Respondents to cause direct infringement of at least claims 1, 3 and 7 of the patent and, to be determined upon discovery, perhaps other claims.

78. On information and belief, Respondents contribute to infringement by others of at least claims 1, 3 and 7 of the '607 patent and, to be determined upon discovery, perhaps other claims, including distributors and end-users who possess, demonstrate, sell or use the personal transporters identified in paragraphs 72-76 above. Respondents contribute to such infringement, at least by providing to such distributors and end-users personal transporters or components thereof which are specially made and adapted for use in an infringement of these claims and are not staple articles of commerce suitable for substantial non-infringing use. On information and belief, as discussed in the immediate prior paragraph, Respondents had knowledge or acted with will blindness to the fact that personal transporters or components thereof are specially made or adapted for use to infringe the '607 patent and are not staple articles of commerce suitable for substantial non-infringing use.

**C. Respondents' Infringement of the '722 Patent**

79. On information and belief, units of the accused WindRunner brand products, sold for importation into the United States, imported into the United States and/or sold after importation in the United States, infringe the claimed design of the '722 Patent. Claim charts that apply the claimed design to representative WindRunner brand products, the WindRunner G1U and WindRunner G1X, are attached to this Complaint as Exhibits 33 and 34, respectively. The WindRunner brand products, including the representative WindRunner G1U and G1X are, on information and belief, made in China by or for, or imported, sold for importation and/or sold after importation into the United States by or for at least Respondents PowerUnion, UPTECH, Robotics and Technology. *See* Ex. 42, Keller Decl. ¶ 22; Ex.40.

80. On information and belief, units of the accused Ninebot brand products, sold for importation into the United States, imported into the United States and/or sold after importation in the United States, infringe the claimed design of the '722 Patent. A claim chart that applies the claimed design to a representative accused Ninebot brand product, the Ninebot mini-flight, is attached to this Complaint as Exhibit 35. The accused Ninebot brand products are, on information and belief, made in China by or for, and/or imported, sold for importation and/or sold after importation into the United States by or for at least Respondents Power Union, Ninebot, UPTECH, Robotics, Technology, EcoBoomer, Tech in the City, and Roboscooters.com. *See* Ex. 42, Keller Decl. ¶¶ 14-28, 32 and 37.

81. On information and belief, units of the FreeGo brand accused product, sold for importation into the United States, imported into the United States and/or sold after importation in the United States, infringe the claimed design of the '722 Patent. A claim chart that applies the claimed design to a representative FreeGo brand accused product, the FreeGo F3, is attached to

this Complaint as Exhibit 36. The FreeGo brand accused products are, on information and belief, made in China by or for, and/or imported, sold for importation and/or sold after importation into the United States by or for at least Respondents FreeGo China and FreeGo USA. *See* Ex. 42, Keller Decl. ¶¶ 35, 36.

82. On information and belief, all Respondents except INMOTION and Robstep actively induce others, including distributors and end-users who possess, demonstrate, sell or use the personal transporters identified in paragraphs 79-81 above, to commit direct infringement of the claimed design of the '772 patent. On information and belief, distributors and end-users who possess, demonstrate, sell or use the personal transporters identified above directly infringe the claimed design of the '772 patent. *See* claim charts at Exhibits 33-36. On information and belief, Respondents are aware of the '722 patent or have acted with willful blindness to its existence. Further, Respondents have had actual knowledge of the 772 patent at least as of the filing of this Complaint. These model Segway personal transporters were the original such personal transporters in the U.S. and world market, and were recognized as pioneering and inventive, with a distinctive design. Respondents' accused products copy the design of these Segway personal transporters, and Respondents often reference and compare in their advertisements and elsewhere their infringing product to the Segway personal transporters. On information and belief, Respondents willful copying evidences a willful blindness to the existence of patents covering such distinctive design. Further, on information and belief, Respondents by providing at least manuals, training, guides, videos and/or demonstrations, induce distributors and/or end-users of the transporters identified in paragraphs 79-81 to perform acts intended by Respondents to cause direct infringement of the design claimed in the '722 patent.

83. On information and belief, Respondents contribute to infringement by others of the claimed design of the '772 patent, including distributors and end-users who possess, demonstrate, sell or use the personal transporters identified in paragraphs 79-81 above. Respondents contribute to such infringement, at least by providing to such distributors and end-users, personal transporters or components thereof, which are specially made or adapted for use to infringe the '722 patent and are not staple articles of commerce suitable for substantial non-infringing use. On information and belief, as discussed in the immediate prior paragraph, Respondents had knowledge or acted with willful blindness to the fact that the personal transporters or components thereof are specifically made or adapted for use in an infringement of the '722 patent and are not staple articles of commerce suitable for substantial non-infringing use.

**D. Respondents' Infringement of the '592 Patent**

84. On information and belief, units of the accused WindRunner brand products, sold for importation into the United States, imported into the United States and/or sold after importation in the United States, infringe the claimed design of the '592 Patent. A claim chart that applies the claimed design to the WindRunner G1X is attached to this Complaint as Exhibit 37. The accused WindRunner brand products, including the WindRunner G1X, are, on information and belief, made in China by or for, or imported, sold for importation and/or sold after importation into the United States by or for at least Respondents PowerUnion, UPTECH, Robotics and Technology. *See* Ex. 42, Keller Decl. ¶¶ 22; Ex. 40.

85. On information and belief, units of the FreeGo brand accused products, sold for importation into the United States, imported into the United States and/or sold after importation in the United States, infringe the claimed design of the '592 Patent. A claim chart that applies the claimed design a representative FreeGo brand accused product, the FreeGo F3, is attached to this

Complaint as Exhibit 38. The accused FreeGo brand products are, on information and belief, made in China by or for, and/or imported, sold for importation and/or sold after importation into the United States by or for at least Respondents FreeGo China and FreeGo USA. *See Ex. 42, Keller Decl.* ¶¶ 35, 36.

86. On information and belief, Respondents identified in paragraphs 84 and 85 actively induce others, including distributors and end-users who possess, demonstrate, sell or use the personal transporters identified in paragraphs 84 and 85 above, to commit direct infringement of the claimed design of the '592 patent. On information and belief, distributors and end-users who possess, demonstrate, sell or use the personal transporters identified above directly infringe the claimed design of the '592 patent. See claim chart at Exhibits 37 and 38. On information and belief these Respondents are aware of the '592 patent or have acted with willful blindness to its existence. Further, Respondents have actual knowledge of the '592 patent at least as of the filing of this Complaint. These model Segway personal transporters were the original such personal transporters in the U.S. and world market, and were recognized as pioneering and inventive, with a distinctive design. These Respondents' accused products copy the design of these Segway personal transporters, and Respondents often reference and compare in their advertisement and elsewhere their infringing product to the Segway personal transporters. On information and belief, Respondents willful copying evidences a willful blindness to the existence of patents covering such distinctive design. Further, on information and belief, Respondents by providing at least manuals, training, guides, videos and/or demonstrations, induce distributors and/or end-users of the transporters identified in paragraphs 84 and 85 to perform acts intended by Respondents to cause direct infringement of the design claimed in the '792 patent.

87. On information and belief, Respondents contribute to infringement by others of the claimed design of the '792 patent, including distributors and end-users who possess, demonstrate, sell or use the personal transporters identified in paragraphs 84 and 85 above. Respondents contribute to such infringement, at least by providing to such distributors and end-users, personal transporters or components thereof, which are specially made or adapted for use to infringe the claimed design of the '792 patent and are not staple articles of commerce suitable for substantial non-infringing use. On information and belief, as discussed in the immediate prior paragraph, Respondents had knowledge or acted with willful blindness to the fact that the personal transporters or components thereof are specially made or adapted for use in an infringement of the '792 patent and are not staple articles of commerce suitable for substantial non-infringing use.

**E. Respondents' Infringement of the Asserted Copyright**

88. The Manuals (Exs. 13 & 14) include original, creative literary, pictorial and graphic works and are otherwise Copyrightable subject matter under the laws of the United States. Segway Inc. is the legal author and owner of the Manuals and the Asserted Copyright as its employees created the Manuals as works-for-hire. The Manuals contain Copyright notices. *Id.* Segway Inc. has registered its copyright in the Manuals with the Copyright Office. Ex. 5.

89. As the sole owner of all right, title and interest in and to the copyright in the Manuals, Complainant has the exclusive right to exploit the Asserted Copyright by, among other things, reproducing the works, preparing derivatives of the works, distributing the works and importing the works into the United States.

90. The Manuals have been distributed with the i2 and x2 personal transporters and made available on the Internet (at [www.segway.com](http://www.segway.com)) since August 2006 and thus have been accessible to competitors such as Respondents since that time. Ex. 42, Keller Decl. ¶ 13.

91. Upon information and belief, because of accessibility and substantial similarity, at least Respondents Ninebot, PowerUnion, UPTECH, Technology, and Robotics copied substantial portions of the Manuals to create, distribute and import into the United States the Ninebot PTR User Manual and the WindRunner User Manual, respectively, which infringe the Asserted Copyright and Respondents Tech in the City, Roboscooter.com and EcoBoomer include such infringing manuals with their infringing products, all in violation of 17 U.S.C. §§ 1 et seq.

92. Upon information and belief, units of the accused Ninebot brand and WindRunner brand personal transporters sold for importation into the United States, imported into the United States and/or sold after importation in the United States by at least Respondents UPTECH, Technology, Robotics, Tech in the City, Roboscooters.com, and EcoBoomer include the Ninebot PTR User Manual (Ex. 19) and/or the WindRunner User Manual (Ex. 16). Ex. 42, Keller Decl. ¶¶ 18, 19, 22, and 27; Ex. 40. Each infringes Segway's copyright in its Manuals. A chart (the "Copyright Infringement Chart") comparing the illustrations from the Ninebot PTR User Manual and the WindRunner User Manual to illustrations from Segway's Manuals is appended hereto as Exhibit 39. As is readily apparent from a review of the Copyright Infringement Chart (Ex. 39A-D), in almost all instances, Respondents Power Union's, Ninebot's, UPTECH's, Robotic's, and Technology's copying is exact and without significant, indeed any, modification. At least Respondents Tech in the City, Roboscotter.com and EcoBoomer, who distribute at least Ninebot brand infringing products, on information and belief, distribute the infringing manuals with the Ninebot brand accused product. Ex. 42, Keller Decl. ¶¶ 28, 32, and 37,

#### **F. Summary of Unfair Practices**

93. In summary, as reflected in the following chart, at least the Proposed Respondents make or have made in China, and/or unlawfully sell for importation, import, and/or sell after

importation into the United States personal transporters, components thereof, and manuals therefor that directly or indirectly infringe at least the Asserted Patents and Asserted Copyright identified below:

<b>Respondent</b>	<b>The '640 Patent</b>	<b>The '607 Patent</b>	<b>The '722 Patent</b>	<b>The '592 Patent</b>	<b>Copyright</b>
PowerUnion (Beijing) Tech Co. Ltd.	1 and 4	1, 3, and 7	X	X	X
UPTECH Robotics Technology Co., Ltd.	1 and 4	1, 3, and 7	X	X	X
Beijing Universal Pioneering Robotics Co., Ltd.	1 and 4	1, 3, and 7	X	X	x
Beijing Universal Pioneering Technology Co., Ltd.	1 and 4	1, 3, and 7	X	X	x
Ninebot China.	1 and 4	1, 3, and 7	X		X
Ninebot USA.	1 and 4	1, 3, and 7	X		X
Shenzhen INMOTION Technologies Co., Ltd.	1 and 4	1, 3, and 7			
Robstep Robot Co., Ltd.	1 and 4	1, 3, and 7			
FreeGo High-Tech Corporation Limited	1 and 4	1, 3, and 7	X	X	
Freego USA, LLC	1 and 4	1, 3, and 7	X	X	
Tech in the City	1 and 4	1, 3, and 7	X		X
Roboscooters.com	1 and 4	1, 3, and 7	X		X
EcoBoomer Co. Ltd.	1 and 4	1, 3, and 7	X		X

## **VII. SPECIFIC ACTS OF UNFAIR IMPORTATION AND SALE**

94. On information and belief, all Respondents are and will continue importing, selling for importation and/or selling within the United States after importation personal transporters and components thereof that infringe one or more of the Asserted Patents in violation of Section 337. In addition, at least Respondents PowerUnion, Ninebot, UPTECH, Technology, Robotics, Tech in the City, Roboscooters.com, and EcoBoomer include with the accused Ninebot brand and/or WindRunner brand accused personal transporters, which are imported, sold for importation and/or

sold after importation, the Ninebot PTR User Manual and/or the WindRunner User Manual, which infringe Segway's registered Copyright in violation of Section 337.

**A. WindRunner Brand Products**

95. Segway has obtained in the United States samples of the representative WindRunner G1U and G1X models. A detailed description of the steps that Segway took to procure these samples is set forth in the Ex. 40. Specific instances of importation, sale for importation and/or sale within the United States after importation of infringing personal transporters by the Respondents are set forth below.

96. On information and belief, Respondent PowerUnion is engaged in distributing, importing into the United States and marketing personal transporters and manuals made in China that infringe one or more of the Asserted Patents and Asserted Copyright, including but not limited to the WindRunner G1U and G1X personal transporters and manuals. See Ex. 40; Ex. 15, Kamen Decl. ¶¶ 10-15; Ex. 16 at 101; Exs. 16, 17, 18, 27, 28, 33, 34, 37 and 39. Ex. 42, Keller Decl. ¶¶ 14, 20, 22, and 27. See <http://mor.en.alibaba.com/> (visited September 4, 2014) (PowerUnion, WindRunner and Ninebot linked).

97. On information and belief, Respondents PowerUnion, UPTECH, Robotics and Technology are responsible for at least the manufacture of the infringing WindRunner G1U and G1X personal transporters in China, and are actively engaged in shipping and distributing these products in the United States. *Id.*; see also <http://www.ddpcn.com/chinareport/company/37.html> (visited September 4, 2014) (subsidiaries).

98. In May, 2013, PowerUnion shipped one each of WindRunner G1U and WindRunner G1X personal transporters (with WindRunner User Manuals) to the United States from China after receiving a wire transfer payment to its bank in Beijing. See Ex. 40. The

exemplar products were delivered to the United States on or about May 24, 2013 and are now in the possession of Segway. *Id.*

**B. Ninebot Brand Products**

99. Segway has obtained in the United States a sample of the representative Ninebot mini-flight personal transporter and its accompanying Ninebot PTR User Manual. A detailed description of the steps that Segway took to procure this sample is set forth in the Keller Declaration (Ex. 42, ¶¶ 14-21). Specific instances of importation, sale for importation and/or sale within the United States after importation of infringing personal transporters and the accompanying Ninebot PTR User Manual by the Respondents are set forth below.

100. On information and belief, Respondents PowerUnion and Ninebot are both engaged in distributing, importing into the United States and marketing personal transporters that infringe one or more of the Asserted Patents, including at least the Ninebot mini-flight personal transporters. Exs. 19, 20, 29 and 35; Ex. 42, Keller Decl. ¶¶ 14-27; <http://mor.en.alibaba.com/> (visited April 18, 2014) (PowerUnion, WindRunner and Ninebot linked).

101. On information and belief, Respondents PowerUnion and Ninebot are both engaged in distributing, importing into the United States and marketing the Ninebot PTR User Manual which infringes the Asserted Copyright. *See Id.*; Exs. 13, 14, 19, and 39 (comparison).

102. On information and belief, Ninebot personal transporters that infringe one or more of the Asserted Patents are manufactured in China by or for Respondent Ninebot. *See* Ex. 15, Kamen Decl. ¶¶ 3-9; Ex. 19; Ex. 42, Keller Decl. ¶¶ 20, 22, 27.

103. On information and belief, the Ninebot PTR User Manuals which accompany the accused personal transporters are also manufactured and/or copied in China by or for Respondent Ninebot. *See* Ex. 42, Keller Decl. ¶¶ 8, 19.

104. In January, at the 2014 Consumer Electronics Show in Las Vegas, accused Ninebot brand personal transporters, including the representative Ninebot Mini-Flight and accompanying Ninebot PTR User Manual, were on display and available for use by attendees at a booth with both PowerUnion and Ninebot markings. *See* Ex. 42, Keller Decl. ¶¶ 14-23. After the Consumer Electronics Show, Segway obtained and currently holds one of the exemplar Ninebot mini-flight personal transporters and the Ninebot PTR User Manual, at its headquarters in New Hampshire. *See id.* In addition, the Ninebot PTR User Manual has been made readily available for downloading and distribution into the United States from Ninebot's website at <http://www.ninebot.com/>.

105. On information and belief, Ninebot is actively looking for distributors in the United States, and has held itself out as having a presence in Silicon Valley. *See* Ex. 15, Kamen Decl., Attachments C ("recruit distributors from all around the world") and D; Ex. 42, Keller Decl. ¶¶ 15, 21. A Ninebot representative appeared to claim falsely that Segway had licensed it. *See* Ex. 42, Keller Decl. ¶ 26.

106. On information and belief, Respondent Tech in the City has imported the accused Ninebot mini flight products into Hawaii and is distributing the imported Ninebot brand accused products in Hawaii as of July 2014. *See id.* ¶ 28.

107. On information and belief, Respondent Roboscooters.com of 21541 Crawford Lake Rd., Laurel Hill, NC 28531 is selling imported accused Ninebot brand products, including the representative Ninebot mini-flight, in the United States. *See id.* ¶ 32.

108. On information and belief, Respondent EcoBoomer is importing and/or selling imported accused Ninebot products, including the representative Ninebot mini-flight, in the United States. *See id.* ¶ 37.

**C. INMOTION Brand Products**

109. On information and belief, Respondent INMOTION is engaged in distributing, importing into the United States and marketing personal transporters made in China that infringe one or more of the Asserted Patents, including the representative INMOTION R1 model. *See* Ex. 15, Kamen Decl. 18,19; Ex. 42, Keller Decl. ¶¶ 33, 34.

110. On information and belief, on or about January 6, 2014, at the Consumer Electronics Show in Las Vegas, at least the accused INMOTION SCV R1 personal transporter was on display. The press reported riding a INMOTION R1 made and sold at half the price of Segway personal transporters by the Chinese company. Ex. 42, Keller Decl. ¶ 33, Attachment T.

111. On information and belief, INMOTION is actively seeking distributors for its infringing products, including the representative INMOTION SCV R1 personal transporter, in the United States. *See* Ex. 42, Keller Decl. ¶ 34.

112. On information and belief, “roboscooters.com” of 21541 Crawford Lake Rd., Laurel Hill, NC 28531, is selling imported INMOTION brand infringing products in the United States. *See id.* ¶ 32.

113. On information and belief, Respondent EcoBoomer is importing and/or selling imported INMOTION brand infringing products in the United States. *See id.* ¶ 37.

**D. Robstep Brand Products**

114. On information and belief, at least Respondent Robstep is engaged in distributing, importing into the United States and marketing personal transporters made in China that infringe one or more of the Asserted Patents, including but not limited to the representative Robstep M1 model. *See* Ex. 15, Kamen Decl. ¶ 20; Exs. 23, 24, 31; Ex. 42, Keller Decl. ¶¶ 29-31; Ex.41, Crocco Decl.

115. On or about January 6, 2014, at the Consumer Electronics Show in Las Vegas, there were present Robstep personal transporters. *See* Ex. 42, Keller Decl. ¶ 29. The Robstep brand accused products were on display and available for use by attendees as demonstration units. *Id.* On information and belief, based on the show directory and web pages, Robstep manufactures the personal transporters in China. *Id.*; *see* <http://www.robotsz.com/english.asp> (visited May 6, 2014).

116. Robstep has a dealer in the United States at 16055 Heron Avenue, La Miranda, CA 90277, from which it supplies infringing product. *See* Ex. 42, Keller Decl. ¶ 31. On information and belief, “roboscooters.com” of 21541 Crawford Lake Rd., Laurel Hill, NC 28531 also sells imported Robstep brand accused products in the United States. *See id.* ¶ 32.

117. On information and belief, Robstep is actively seeking distributors in the United States for its imported accused products. *See* Ex. 42, Keller Decl. ¶ 31.

#### **E. FreeGo Brand Products**

118. On information and belief, at least the FreeGo Respondents are engaged in distributing, importing into the United States and marketing personal transporters made in China that infringe one or more of the Asserted Patents, including but not limited to the F1, F2, F3, UV-01D and UV-01D Pro models. *See* Ex. 15, Kamen Decl. ¶¶ 16-17; Exs. 25, 26, 32, 36, 38; Ex. 42, Keller Decl. ¶¶ 22, 35, 36.

119. On information and belief, at least the FreeGo Respondents sell for importation, import or sell after importation into the United States infringing personal transporters, including the representative F3 model identified herein, to a dealer in Sibley, Iowa. Ex. 42, Keller Decl. ¶ 36. Their use in the United States is shown in a YouTube video published in February 2014.

<http://www.youtube.com/watch?v=vZh1pyyw-XY> (visited April 18, 2014) (“Freego USA Night Stand-Up Electrical Vehicle Racing”).

120. The dealer describes itself in this way: “Freego USA, LLC was born to distribute the Freego Self Balancing scooters in the USA, due to the tremendous response of having affordable machines compared to the alternatives.” <http://freegousa.com/about-us.aspx> (visited April 18, 2014); *see* Ex. 42, Keller Decl. ¶ 36. Its principal place of business is at 915 5th Pl., Sibley, IA 51249. *See id.*

#### **VIII. CLASSIFICATION OF THE INFRINGING PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES**

121. On information and belief, the products at issue may be classified under at least the following headings of the Harmonized Tariff Schedule of the United States: 8703.10.5060, 8709.11.0030, and 8713.90.

#### **IX. RELATED LITIGATION**

122. The Asserted Patents and the Asserted Copyright are not and have not been the subject of any other court or agency litigation.

#### **X. DOMESTIC INDUSTRY**

123. A domestic industry as defined by 19 U.S.C. § 1337(a)(3) exists with respect to Complainants’ activities in the United States that exploit the Asserted Patents and the Asserted Copyright, based on products that employ the patented technology and Copyrighted works by reason of Complainants’ significant investment in plant and equipment, significant employment of labor and capital and substantial investments in the exploitation of the Asserted Patents and the Asserted Copyright through engineering and research and development.

**A. Technical Prong**

**1. The '640 Patent**

124. Personal transporters designed, developed, manufactured and sold by Segway practice the '640 Patent and are marked with that patent number. For example, Segway's i2 PT practices at least claim 4 of the '640 Patent. A claim chart demonstrating how the i2 PT practices the invention claimed in claim 4 is attached as Exhibit 45, referring to Exs. 13, 14, 44 (Segway manuals) and the Confidential Declaration of Matthew J. Harding (Ex. 43, "Harding Decl.").

125. Segway's x2 PT also practices at least claim 4 of the '640 Patent. A claim chart demonstrating how the x2 PT practices the invention claimed in claim 4 is attached as Exhibit 45.

126. Segway's new i2 SE and x2 SE also practice at least claim 4 of the '640 Patent. A claim chart demonstrating how the i2 SE and x2 SE practice claim 4 of the '640 Patent is attached as Exhibit 45.

**2. The '607 Patent**

127. Personal transporters designed, developed, manufactured and sold by Segway practice the '607 Patent and are marked with serial number of the patent application in the '607 Patent. For example, Segway's i2 PT practices at least claim 1 of the '607 Patent. A claim chart demonstrating how the i2 PT practices claim 1 of the '607 Patent is attached as Exhibit 45.

128. Segway's x2 PT also practices at least claim 1 of the '607 Patent. A claim chart demonstrating how the x2 PT practices claim 1 of the '607 Patent is attached as Exhibit 45.

129. Segway's new i2 SE and x2 SE also practice at least claim 1 of the '607 Patent. A claim chart demonstrating how the i2 SE and x2 SE practice claim 1 of the '607 Patent is attached as Exhibit 45.

**3. The '722 Patent**

130. Personal transporters designed, developed, manufactured and sold by Segway practice the design claimed in the '722 Patent. For example, Segway's i2 PT embodies the claimed design of the '722 Patent. A chart demonstrating how the i2 PT practices the claimed design is attached as Exhibit 46.

#### **4. The '592 Patent**

131. Personal transporters designed, developed, manufactured and sold by Segway practice the design claimed in the '592 Patent. For example, Segway's x2 PT embodies the claimed design of the '592 Patent. A claim chart demonstrating how the x2 PT practices the claimed design is attached as Exhibit 47.

#### **5. The Asserted Copyright**

132. Since 2006, the Segway i2 and x2 personal transporters designed, developed, manufactured and sold by Segway have been sold and distributed with the Manuals which were authored, designed, developed and published by Segway. *See* Ex. 42, Keller Decl. ¶ 13.

### **B. Economic Prong**

#### **1. Significant Investment in Plant and Equipment**

133. A domestic industry exists in the United States by virtue of Complainants' significant investments in plant and equipment in the United States involved in activities related to the production, engineering, development, testing, marketing, distribution, customer service, repair, and warranty fulfillment concerning personal transporters and their accompanying Manuals that employ and exploit the technology and designs covered by the Asserted Patents and the creative works that are protected by the Asserted Copyright. Ex. 42, Keller Decl. ¶¶ 3-13, sets forth further details regarding the nature and scope of Complainant's investments in these activities.

134. Segway maintains its headquarters and its manufacturing plant in Bedford, New Hampshire. At this facility it conducts design, engineering, research, development, manufacture, and testing for the personal transporters that practice the Asserted Patents (Ex. 42, Keller Decl. ¶¶ 3-12). At this facility, Segway's employees also created the Manuals, including the illustrations reflected in the Copyright Infringement Chart. See *Id.*, ¶ 13, and Ex.39.

135. Segway also uses its headquarters in New Hampshire to perform customer support, quality assurance, warranty fulfillment and other after-market services relating to its patented personal transported for its customers, distributors and dealers. See *id.*, ¶¶ 10 and 12, for example.

136. Segway has made significant investments in its headquarters and manufacturing facilities in the United States that are dedicated to the design, research, development, manufacture, testing and distribution of its patented personal transporters. See *Id.*, ¶¶ 8 and 11, for example.

## **2. Significant Employment of Labor and Capital**

137. Segway currently employs in the United States significant labor and capital for activities related to the production, engineering, development, manufacture, testing, marketing, distribution, customer service and warranty fulfillment concerning personal transporters that employ and exploit the technology and designs covered by the Asserted Patents and the Asserted Copyright. See *id.*, 9, ¶¶ 10, and 12, for example.

## **3. Substantial Investment in Exploiting the Asserted Patents and the Asserted Copyright**

138. Segway has made, and will continue to make, substantial investments in the United States in research and development and engineering for products embodying the inventions, technology and designs for personal transporters that are claimed in the Asserted Patents and for

the creative works embodied in Segway's Asserted Copyright. *See id.*, ¶¶ 12 and 13, for example.

## **XI. REQUEST FOR GENERAL EXCLUSION ORDER**

139. Segway seeks a general exclusion order as part of its relief.

140. A general exclusion order is warranted when such exclusion is necessary to prevent circumvention of an exclusion order limited to products and named persons or where there is a pattern of violation of Section 337 and it is difficult to identify the source of the infringing products. A general exclusion order is warranted here both to prevent circumvention of any exclusion order limited to products of named entities, and because there is a pattern of violation of Section 337 and it is difficult to identify the source of infringing products.

141. As set forth above and in the Confidential Declaration of Mr. Rod Keller (Ex. 42), there are numerous infringing products entering the United States, under brand name or private label, and it is extremely difficult to identify the sources of these infringing products. While Segway has identified herein multiple manufacturers and distributors of numerous infringing products, discovery will likely show additional, unrelated manufacturers in China and perhaps other locations, and unrelated distributors that also import infringing personal transporters. Indeed, manufacturers (and distributors) of personal transporters appear to employ complex business arrangements, do business under more than one name and/or form intricate arrays of confusingly similar affiliates, which will make it difficult, if not impossible, for Customs to determine the source of the infringing products. *See*, for example, Ex. 42, Keller Decl. ¶¶ 14, 15, 22, and 27.

142. Moreover, Respondents are actively trying gain more distributors in the United States that will import and sell after importation infringing personal transporters, sometimes under

private label. As shown above, distributors easily offer for sale and sell infringing personal transporters over the Internet. Given the difficulty in identifying the source of the infringing products and the ease of distribution of infringing personal transporters, such distributors may easily evade an exclusion order limited to named Respondents.

143. Accordingly, given the apparently numerous sources abroad of infringing personal transporters and components thereof, the difficulty in identifying the manufacturing source of such infringing products, and the ease of distribution of imported infringing products, a general exclusion order is necessary to protect Segway and its substantial domestic industry.

## **XII. REQUEST FOR RELIEF**

WHEREFORE, Segway respectfully requests that the United States International Trade Commission:

- A. Institute an immediate investigation pursuant to Section 337(b)(1) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, into the violation by Respondents of Section 337 arising from the importation into the United States, sale for importation, and/or sale within the United States after importation of Respondents' personal transporters, components thereof, and accompanying manuals that infringe the Asserted Patents and the Asserted Copyright;
- B. Schedule and conduct a hearing pursuant to Section 337(c), for purposes of receiving evidence and hearing argument concerning whether there has been a violation of Section 337 and, following the hearing, determine that there has been a violation of Section 337;
- C. Issue a general exclusion order pursuant to 19 U.S.C. § 1337(d)(2), barring from entry into the United States any personal transporters, components thereof, and manuals relating thereto that infringe the Asserted Patents and Asserted Copyright;

D. Issue a limited exclusion order, pursuant to 19 U.S.C. § 1337(d)(1), barring from entry into the United States Respondents' Accused Products, including personal transporters, components thereof, and manuals relating thereto that infringe the Asserted Patents and the Asserted Copyright;

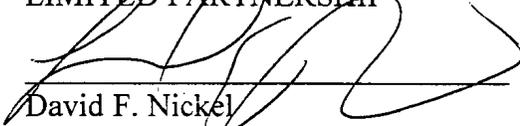
E. Issue permanent cease and desist orders, pursuant 19 U.S.C. § 1337(f), directing Respondents to cease and desist from selling for importation into the United States, importing, selling after importation into the United States, offering for sale, marketing, advertising, demonstrating, sampling, warehousing inventory for distribution, distributing, licensing, testing, providing technical support, use, or other related commercial activity involving Respondents' personal transporters, components thereof, and manuals relating thereto that infringe the Asserted Patents and the Asserted Copyright; and

F. Grant all such other and further relief as it deems appropriate under the law, based upon the facts complained of herein and as determined by the investigation.

Dated: September 9, 2014

Respectfully submitted,

SEGWAY INC. & DEKA PRODUCTS  
LIMITED PARTNERSHIP



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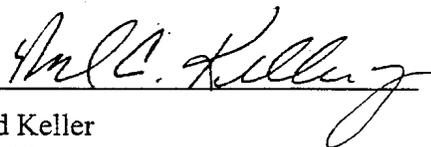
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## VERIFICATION OF COMPLAINT

I, Rod Keller, declare, in accordance with 19 C.F.R. §§ 210.4 and 210.12 and under penalty of perjury, under the laws of the United States of America, that the following statements are true and correct:

1. I am the President of Segway Inc.;
2. I am duly authorized to verify this Complaint on behalf of Segway Inc. and DEKA Partners Limited Partnership;
3. I have read the Complaint and am familiar with its contents;
4. To the best of my knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:
  - a. The Complaint is well founded in fact and is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
  - b. The claims, defenses, and other legal contentions in the Complaint are warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law; and
  - c. The allegations and other factual contentions have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery

Dated: September ~~4th~~ 2014

  
Rod Keller  
President  
Segway Inc.

