

337-1000 调查案——锐哲、英凡蒂和陈星发起的 337 调查

平衡车案例信息第八期（总第十一期）

2016 年 3 月 22 日，美国国际贸易委员会（USITC）收到锐哲公司（Razor USA LLC）、英凡蒂公司（Inventist, Inc.）和陈星（Shane Chen）提交的 337 调查申请书。起诉人在申请书中指控中国和美国共 27 家公司向美国出口和/或在美国销售的平衡车产品侵犯其在美国的 1 项发明专利，以及通过虚假广告和/或虚假或误导性陈述进行不公平竞争。2016 年 5 月 20 日，USITC 进行立案调查，案号为“337-1000”。

1 涉案专利

337-1000 调查涉及美国发明专利 US8738278B2。

表 1 337-1000 案的涉案发明专利信息

专利号	专利主题	申请日	涉及权利要求
US8738278B2	Two-wheel, self-balancing vehicle with independently movable foot placement sections 具有可独立运动足部放置部件的双轮自平衡车	2013-02-11	第 1-9 项

2 涉案被控公司

337-1000 案的 27 家涉案公司名单中包括 10 家中国公司和 17 家美国公司。

表 2 337-1000 案的涉案被控公司及被控侵权情况

序号	涉案被控公司	被控公司所在国家	被控侵权情况		
			'278 专利	虚假宣传	
				UL 标签	电池标签
1	Alibaba (Alibaba Group Holding Ltd. and Alibaba.com Ltd.)	中国	√		√
2	Chic Intelligent	中国	√		
3	Contixo (Contixo Co. and ZTO)	美国	√	√	
4	CyBoard	美国	√		

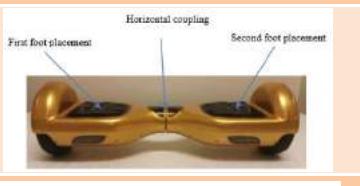
5	Genius	美国	✓			
6	GyroGlyder	美国	✓			
7	HoverTech	美国	✓	✓	✓	
8	InMotion	美国	✓			
9	IO Hawk	美国	✓			
10	Jetson	美国	✓			
11	Joy Hoverboard	中国	✓			✓
12	Kebe	中国	✓			
13	Leray	中国	✓			✓
14	Modell's	美国	✓	✓	✓	
15	Newegg	美国	✓			
16	PhunkeeDuck	美国	✓			✓
17	Powerboard	美国	✓			
18	Shareconn	中国	✓	✓		
19	Chenduoxing	中国	✓			
20	Jomo	中国	✓			✓
21	RMT	中国	✓			✓
22	Supersun	中国	✓	✓	✓	
23	Skque	美国	✓	✓	✓	
24	Spaceboard	美国	✓			✓
25	Swagway	美国	✓	✓		
26	Twizzle	美国	✓			✓
27	Uwheels	美国	✓			

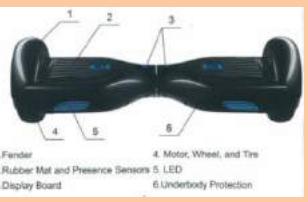
3 涉案被控公司的相关产品

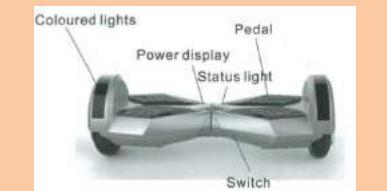
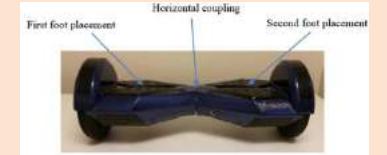
起诉人在诉状中指出，Chic、CyBoard、Genius、GyroGlyder、InMotion、IO Hawk、Jetson、Kebe、Newegg、Powerboard、Chenduoxing 和 Uwheels 向美国进口、为进口而销售和/或进口后在美国销售涉嫌侵权的产品；其余被控公司向美国进口、为进口而销售和/或进口后在美国销售涉嫌侵权的产品，和/或进行不公平竞争。

表 3 337-1000 案的涉案侵权产品

序号	涉案被控公司	产品型号	产品图示
1	Alibaba	序号 2-6	序号 2-6
2	Chic Intelligent	Chic smart C1	 <p>The diagram shows a red hoverboard from a front-on perspective. Three blue arrows point to specific parts: 'First foot placement' points to the left footrest, 'Horizontal coupling' points to the central motor unit, and 'Second foot placement' points to the right footrest.</p>

3	Chenduoxing	Shenzhen Chenduoxing Self Balancing Board 2	
4	Jomo	Shenzhen Jomo Smart Self Balancing Electric Hoverboard	
5	RMT	Self Balancing Electric Scooter	
6	Supersun	Shenzhen Supersun Technology Co. Ltd., a.k.a. Aottom's 2 Wheel Self Balancing Scooter	
7	Contixo	Xodo Two Wheels Smart Self Balancing Scooter	
8	Cyboard	Cyboard 3rd Generation	
9	Genius	Self Balancing Scooter	
10	GyroGlyder	GyroGlyder "X2 Original Self Balance Hoverboard"	
11	HoverTech	Self Balancing Scooter	
12	InMotion	The monster wheel M3	

13	IO Hawk	IO Hawk	
14	Jetson	Jetson Glyro Electric Scooter	
15	Joy Hoverboard	Hoverboard Drift Plus	
16	Kebe	Kebe Hot 2 Wheel Scooter	
17	Leray	Dreamwalker	
18	Modell's	Swagway X1	
19	Newegg	Dreamwalker	
20	PhunkeeDuck	PhunkeeDuck	
21	Powerboard	Powerboard 2 Wheel Self Balancing Scooter with LED Lights	
22	Shareconn	Shareconn Anhell Hover Boost, Airboard Scooter, Hoverboard	
23	Skque	S2-15	

24	Spaceboard	SpaceboardUSA Balancing 2 Wheel Hoverboard	
25	Twizzle	004	
26	Uwheel	Uwheel	

4 起诉方提出的救济措施

起诉方请求 USITC 签发普通排除令、有限排除令和停止令，禁止被控名单中的公司和所有相关公司在美境内与侵权产品相关的进口、销售、分销、营销等行为。

XIII. REQUEST FOR RELIEF

WHEREFORE, Complainants Razor and Inventist respectfully requests that the United States International Trade Commission:

A. **Institute an immediate investigation** pursuant to Section 337(a)(1)(A) 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, and/or sale for importation and/or sale within the United States after importation, of Respondents' motorized self-balancing vehicles that are the subject of unfair methods of competition;

B. **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, and/or sale for importation and/or sale within the United States after importation, of Respondents' motorized self-balancing vehicles that infringe the '278 patent;

C. 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, to determine that there has been a violation of Section 337;

D. **Issue a general exclusion order** forbidding entry into the United States of motorized self-balancing vehicles that infringe the '278 patent and/or are the subject of unfair methods of competition;

Alternatively, **issue a limited exclusion order** forbidding entry into the United States of motorized self-balancing vehicles imported, sold for importation, or sold after importation by Respondents that infringe the '278 patent and/or engage in unfair methods of competition;

E. **Issue a permanent cease and desist order**, pursuant to Section 337(f), directing Respondents to cease and desist from the importation, sale, offer for sale, marketing, advertising, packaging, inventorying, distribution, transfer, or solicitation of any sale by Respondents of motorized self-balancing vehicles, that infringe the '278 patent and/or are the subject of unfair methods of competition; 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.

以上对 337-1000 调查的提起情况进行了概要介绍。

我们将在后续的信息推送中进一步分析 337-1000 调查的涉案专利及过程，深入了解 337 调查的程序以及被控企业的应诉策略等。

未完待续，请持续关注！

了解最新资讯，请关注公众微信号：智专知识产权

