

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON DC

Before the Honorable Thomas B. Pender
Administrative Law Judge

In the Matter of)

CERTAIN TABLE SAWS INCORPORATING)
ACTIVE INJURY MITIGATION)
TECHNOLOGY AND COMPONENTS)
THEREOF)

) Investigation No. 337-TA-965

**RESPONSE OF ROBERT BOSCH GMBH TO THE COMPLAINT OF SAWSTOP, LLC
AND SD3, LLC UNDER SECTION 337 OF THE TARIFF ACT OF 1930,
AS AMENDED, AND NOTICE OF INVESTIGATION**

Counsel for Respondents

Mark A. Hannemann
Robin M. Plachy
Alessandra Carcaterra Messing
KENYON & KENYON LLP
1 Broadway
New York, NY 10004-1007
Telephone: (212) 425-7200
Facsimile: (212) 425-5288

Respondents

Robert Bosch Tool Corporation
1800 West Central Avenue
Mount Prospect, Illinois 60056

Robert Bosch GmbH
1 Robert-Bosch-Platz
70839 Gerlingen-Schillerhöhe
Baden-Wuerttemberg
Germany

Dated: September 21, 2015

PRELIMINARY STATEMENT

Pursuant to 19 C.F.R. § 210.13, Respondent Robert Bosch GmbH (“Bosch GmbH”) hereby responds to the Amended Complaint filed pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”) by SawStop, LLC and SD3, LLC (collectively “Complainants”) on July 30, 2015, and to the Notice of Investigation issued by the United States International Trade Commission (the “Commission”) on August 26, 2015. (*See* 80 Fed. Reg. 52791.)

As an initial matter, Bosch GmbH denies that it has engaged in unfair competition or violated Section 337 by importing, selling for importation, or selling in the United States after importation any devices, products, or other articles that infringe any valid and enforceable intellectual property rights alleged in this investigation.

Because discovery has just begun, Bosch GmbH has not had sufficient time and opportunity to collect and review all of the information that may be relevant to the issues raised in this Response. In addition, to the extent Complainants rely on evidence not yet presented in Investigation 337-TA-965 or present a position not consistent with a position already taken, Bosch GmbH has not yet had sufficient time and opportunity to collect and review all of the information that may be relevant to those issues. Accordingly, Bosch GmbH reserves the right to amend or supplement this Response, including raising any additional affirmative defenses, based on additional facts or developments that become available or that arise after the filing of this Response.

Further, Bosch GmbH denies each and every allegation averred in the Amended Complaint that is not expressly admitted below.¹ Any factual allegation admitted below is admitted only as to the specific admitted facts, and not as to any purported conclusions, characterizations, implications or speculations that might follow from the admitted facts.

Bosch GmbH has adopted the headings and paragraphs in the Amended Complaint for ease of reference. To the extent that such headings and paragraphs themselves contain factual and legal characterizations, Bosch GmbH denies such characterizations.

RESPONSE TO THE COMPLAINT

I. INTRODUCTION

1. SawStop, LLC and SD3, LLC (“SawStop” or “Complainants”) file this first amended complaint under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based on the unlawful importation into the United States, sale for importation into the United States, and/or sale within the United States after importation by proposed respondents Robert Bosch Tool Corporation (“Bosch Tool”) and Robert Bosch GmbH (collectively “Proposed Respondents”) of certain table saws incorporating active injury mitigation technology and components thereof that infringe one or more claims of United States Patent Nos. 7,225,712 (“the ’712 patent”); 7,600,455 (“the ’455 patent”); 7,610,836 (“the ’836 patent”); 7,895,927 (“the ’927 patent”); 8,011,279 (“the ’279 patent”); and 8,191,450 (“the ’450 patent”) (collectively, the “Asserted Patents”), either literally or under the doctrine of equivalents.

RESPONSE TO ¶ 1: Bosch GmbH admits that Complainants filed an Amended Complaint with the Commission pursuant to Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337). Bosch GmbH admits that the Amended Complaint names Robert Bosch Tool Corporation and Robert Bosch GmbH as Respondents. Bosch GmbH is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 with

¹ To the extent that the original Complaint, filed by Complainants on July 16, 2015, contains any allegations not included in the Amended Complaint, Bosch GmbH expressly denies each and every allegation averred in the original Complaint that is not expressly admitted below.

respect to Bosch Tool and therefore denies them. Bosch GmbH denies any remaining allegations contained in paragraph 1.

2. SawStop, LLC is a manufacturer of table saws incorporating active injury mitigation technology and a licensee of the Asserted Patents. SD3, LLC is the parent of SawStop, LLC and owner of all rights, title, and interest in and to the Asserted Patents.

RESPONSE TO ¶ 2: Bosch GmbH is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 and therefore denies them.

3. Proposed Respondents manufacture abroad, import, sell for importation into the United States, and/or sell or offer for sale after importation into the United States certain table saws incorporating active injury mitigation technology and components thereof (“Accused Products”) that infringe the following claims of the Asserted Patents (independent claims in bold:

Patent No.	Asserted Claims
7,225,712	8, 9, 11, 15, 18, 20
7,600,455	1, 5, 7, 10, 13, 14, 15, 16, 18, 19, 20
7,610,836	1, 5, 16
7,895,927	7, 8, 10, 11, 12
8,011,279	1, 5, 6, 10, 11, 12, 13, 14, 16, 17
8,191,450	1, 2, 4, 6, 9, 11

RESPONSE TO ¶ 3: Bosch GmbH is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 with respect to Bosch Tool and therefore denies them. Bosch GmbH denies the remaining allegations contained in paragraph 3.

4. A domestic industry as required by 19 U.S.C. § 1337(a)(2) and (3) exists in the United States relating to articles protected by the Asserted Patents. SawStop’s domestic industry includes significant domestic investment in plant and equipment, significant domestic employment of labor and capital, and substantial domestic investment in the exploitation of the inventions claimed in the Asserted Patents.

RESPONSE TO ¶ 4: Bosch GmbH is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4 and therefore denies them.

5. SawStop seeks as relief a permanent limited exclusion order under 19 U.S.C. § 1337(d) barring from entry into the United States infringing table saws incorporating active injury mitigation technology and components thereof that are manufactured abroad, sold for importation, imported, and/or sold in the United States after importation by or on behalf of the Proposed Respondents. SawStop further seeks as relief permanent cease and desist orders under 19 U.S.C. § 1337(f) prohibiting the Proposed Respondents from importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), soliciting United States agents or distributors, or aiding and abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of table saws incorporating active injury mitigation technology and components thereof that infringe the Asserted Patents.

RESPONSE TO ¶ 5: Bosch GmbH admits that Complainants seek relief in this action, including a limited exclusion order and cease and desist orders. Bosch GmbH denies any remaining allegations contained in paragraph 5.

II. COMPLAINANTS

6. SawStop, LLC and SD3, LLC are limited liability companies organized and existing under the laws of Oregon. Both companies have a principal place of business at 9564 S.W. Tualatin Road, Tualatin, Oregon. SD3, LLC owns the Asserted Patents and 100% of SawStop, LLC. SawStop, LLC is an operating company that designs, develops, produces and sells table saws with active injury mitigation technology.

RESPONSE TO ¶ 6: Bosch GmbH is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 6 and therefore denies them.

7. SawStop was founded in August, 2000 by Dr. Stephen F. Gass and several colleagues to commercialize inventions related to table saw safety. About one year earlier, Dr. Gass, a patent lawyer and life-long woodworker, was working in his newly-built barn when the thought came to him: “I wonder if you could stop a saw blade fast enough to avoid a serious injury?” Dr. Gass knew that table saw accidents are common and life-changing. His background in physics enabled him to calculate the speed and inertia of the blade, determine how fast the blade would have to stop to avoid a serious injury, and consider how to detect contact between the blade and a person. About a month after beginning to work on the problem he had developed a prototype. Thus began the story of SawStop that would profoundly change not

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.