

Statement regarding AutoStore

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Ocado Group PLC
11 March 2022

OCADO GROUP PLC
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Ocado Group plc

ITC investigation over: conclusive victory for Ocado

ITC confirms all AutoStore cavity bot patents are invalid

On 10th March, the International Trade Commission, consisting of 5 experienced patent judges, decided in favour of Ocado on all points. Every patent AutoStore asserted in its ITC complaint was found either invalid or not infringed by Ocado's proprietary state of the art technology.

All of the 33 claims that originally constituted AutoStore's complaint to the ITC have now been rejected for a second time, or abandoned by AutoStore. AutoStore's key cavity bot patents, the UK versions of which are the only patents being asserted against Ocado in the High Court case starting next week, were all found to be invalid. A fourth, unrelated, patent was held not to be infringed.

Unusually, the ITC accepted review of the judge's original decision and in the same notice gave its decision on the merits, which further emphasises the strength of these findings.

Ocado continues actively to pursue its claims against AutoStore for infringement of Ocado's IP rights in both the United States and Europe, including its antitrust "Walker Process" claim against AutoStore in East Virginia and its infringement of five Ocado patents in New Hampshire. Ocado anticipates court determinations injuncting AutoStore and awarding Ocado damages for AutoStore's infringement of Ocado's patents.

An Ocado spokesperson said:

"We welcome the ITC's decision, which comprehensively confirms the judge's original findings last December. All 33 of the patent claims asserted against Ocado have now been confirmed for a second time to be either invalid or not infringed, demonstrating again how misguided AutoStore's complaint has been. The ITC investigation is now at its end.

We expect further vindication in the High Court in London in the weeks ahead, where AutoStore has already abandoned half of the patents in the case."

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