

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC

In the Matter of

**CERTAIN GROUND FAULT CIRCUIT
INTERRUPTERS AND PRODUCTS
CONTAINING SAME**

Inv. No. 337-TA-739
(Enforcement)

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING-IN-PART A MOTION BY PASS & SEYMOUR, INC.
TO INTERVENE AS A RESPONDENT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (Order No. 71) granting-in-part a motion by Pass & Seymour, Inc. to intervene in the enforcement proceeding pending in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Clark S. Cheney, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone (202) 205-2661. Copies of all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, D.C. 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov/>. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 8, 2010, based on a complaint filed by Leviton Manufacturing Co., Inc., of Melville, New York ("Leviton"). 75 *Fed. Reg.* 62420 (Oct. 8, 2010). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain ground fault circuit interrupters and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 7,463,124 ("the '124 patent"); 7,737,809 ("the '809 patent"); and 7,764,151 ("the '151 patent"). The notice of investigation named numerous respondents, including Menard, Inc., of Eau Claire, Wisconsin ("Menard").

On April 27, 2012, the Commission issued its final determination finding that Leviton had proven a violation of section 337 based on infringement of the '809 patent but had not proven a violation with respect to the '124 and '151 patents. The Commission issued a general exclusion order barring entry of ground fault circuit interrupters that infringe the '809 patent and cease and desist orders against certain respondents, including Menard.

On August 29, 2012, Leviton filed a complaint for enforcement of the Commission's cease and desist orders against Menard and others. Leviton alleged, *inter alia*, that Menard sold infringing devices manufactured by non-party Pass & Seymour, Inc. ("P&S"). On November 1, 2012, the Commission instituted an enforcement proceeding. 77 *Fed. Reg.* 66080-81 (Nov. 1, 2012).

On November 2, 2012, P&S moved to intervene in the enforcement proceeding as a respondent. On November 27, 2012, the administrative law judge ("ALJ") issued an initial determination ("ID") (Order No. 71) granting P&S's motion in part. The ALJ found that P&S should be granted intervenor status and allowed to present arguments on the issues of infringement and remedy but should not be granted respondent status. On December 5, 2012, P&S petitioned for review of the ID, arguing that it should be granted full respondent status. No other petitions for review of the ID were filed.

On December 20, 2012, P&S withdrew its petition for review of the ID. Thus, no petitions for review of the ID are pending before the Commission.

The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is fluid and cursive, with a large initial "L" and "B".

Lisa R. Barton
Acting Secretary to the Commission

Issued: January 17, 2013