

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

In the Matter of

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

Inv. No. 337-TA-739

**NOTICE OF COMMISSION DETERMINATION TO EXTEND THE DATE FOR
DETERMINING WHETHER TO REVIEW AN INITIAL DETERMINATION
GRANTING-IN-PART PASS & SEYMOUR'S MOTION 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 to extend the date for determining whether to review an initial determination "(ID)" (Order No. 71) granting-in-part Pass & Seymour, Inc.'s ("P&S") motion to intervene in the enforcement proceeding for above-captioned investigation by two months to February 27, 2013.

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”); Westside Wholesale Electric & Lighting, Inc.; Westside Electric Wholesale, Inc.; and Westside Wholesale, Inc., all of Bell, California and/or Los Angeles, California (collectively, “Westside”); America Ace Supply Inc. of San Francisco, California (“American Ace”); Shanghai ELE Manufacturing Corporation of Shanghai, China; Shanghai Jia AO Electrical Co., Ltd., of Shanghai, China; and American Electric Depot Inc. of Fresh Meadows, New York. The Office of Unfair Import Investigations (“OUII”) was named as a party.

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 based on infringement of 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, Westside, and American Ace.

On August 29, 2012, Leviton filed a complaint for enforcement proceedings under Commission rule 210.75(b). On November 1, 2012, the Commission instituted the enforcement proceeding and named OUII as a party. *77 Fed. Reg.* 66080-81 (Nov. 1, 2012).

On November 2, 2012, third party P&S moved to intervene in the enforcement proceeding as a respondent. On November 27, 2012, the ALJ issued an ID (Order No. 71), granting P&S’s motion in part. On December 5, 2012, P&S petitioned for review of the ID. On December 10, 2012, Leviton and the Commission investigative attorney jointly moved for an extension of time to respond to the petition for review, which was granted on December 11, 2012.

The Commission has determined to extend the date for determining whether to review Order No. 71 by two months to February 27, 2013.

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 section 210.42 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

/s/
Lisa R. Barton
Acting Secretary to the Commission

Issued: December 26, 2012