

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN LED LIGHTING DEVICES, LED
POWER SUPPLIES, AND COMPONENTS
THEREOF**

Inv. No. 337-TA-1081

NOTICE OF INITIAL DETERMINATION ON VIOLATION OF SECTION 337

(December 19, 2018)

On this date, I have issued an initial determination on violation of section 337 in this investigation pursuant to Commission Rule 210.42(a)(1)(i).¹ For the reasons discussed therein, it is my final initial determination that there is a violation 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/or the sale within the United States after importation of certain LED lighting devices, LED power supplies, and components thereof by reason of infringement of U.S. Patent No. 7,038,399 (“the ’399 patent”). There is no violation with respect to U.S. Patent No. 7,256,554 (“the ’554 patent”) or U.S. Patent No. 7,262,559 (“the ’559 patent”).

This determination is based on the following conclusions of law:

1. The Commission has subject matter jurisdiction over this investigation, *in personam* jurisdiction over Respondents, and *in rem* jurisdiction over the accused LED lighting devices, LED power supplies, and components thereof.
2. There has been an importation into the United States, sale for importation, or sale within the United States after importation of certain accused LED lighting devices, LED power supplies, or components thereof by Respondents Feit Electric Company, Inc. and Feit Electric Company (China), Inc., LG Sourcing, Inc., and

¹ A public version shall issue within 30 days, or in the time necessary to identify and redact the confidential business information therein, pursuant to Commission Rule 210.5(f).

Satco Products, Inc.

3. The evidence does not show an importation into the United States, sale for importation, or sale within the United States after importation of the accused LED lighting devices, LED power supplies, or components thereof by Respondent Lowe's Companies, Inc.
4. Claims 7, 8, 17, 18, and 19 of the '399 patent are infringed by certain Feit, Lowe's and Satco LED lighting devices. The evidence does not show induced infringement of claims 34 and 35 of the '399 patent.
5. Claims 7, 8, 17, 18, 19, 34 and 35 of the '399 patent have not been shown to be invalid.
6. Claims 1, 2, 5, 6, 7, and 12 of the '554 patent are infringed by certain Lowe's products, but none of these products have been shown to be imported or sold by a named Respondent.
7. Claims 1, 2, 5, 6, 7, and 12 of the '554 patent have not been shown to be invalid.
8. Claims 6 and 12 of the '559 patent are not infringed by the accused Feit, Lowe's or Satco LED lighting devices.
9. Claims 6 and 12 of the '559 patent have not been shown to be invalid.
10. A domestic industry has been shown to exist in the United States as required by subsection (a)(2) of section 337 with respect to the '399 patent, the '554 patent, and the '559 patent.

SO ORDERED.

Dee Lord
Administrative Law Judge