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Investigation Information

Investigation Number: 337-830

Investigation Phase Enforcement
Investigation Type Sec 337
Investigation Title Certain Dimmable Compact Fluorescent Lamps and Products Containing Same; Inv. No. 337-TA-830

Submitter Information

Filed By Thomas B. Pender
Firm / Organization USITC
Filed On Behalf Of Administrative Law Judge
Submitted By gmodafsky

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UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of

CERTAIN DIMMABLE COMPACT
FLUORESCENT LAMPS AND
PRODUCTS CONTAINING SAME

Investigation No. 337-TA-830
(Enforcement/Modification)

NOTICE OF INITIAL DETERMINATION IN ENFORCEMENT/MODIFICATION

Administrative Law Judge Thomas B. Pender
(January 10, 2014)

On this date, I issued an initial determination in the enforcement/modification proceeding in the above-referenced investigation. Below are the first page and the conclusions of law from said filing, which are a matter of public record. A complete public version of the Initial Determination will issue when all the parties have submitted their redactions and I have had an opportunity to review the redactions.

SO ORDERED.



Thomas B. Pender
Administrative Law Judge

UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, D.C.

In the Matter of

**CERTAIN DIMMABLE COMPACT
FLUORESCENT LAMPS AND
PRODUCTS CONTAINING SAME**

**Investigation No. 337-TA-830
(Enforcement/Modification)**

**INITIAL DETERMINATION AND RECOMMENDED DETERMINATION ON
ENFORCEMENT AND MODIFICATION**

Administrative Law Judge Thomas B. Pender

(January 10, 2014)

This is my Initial Determination (EID) and Recommended Determination on Enforcement and Modification in Investigation 337-TA-830, Certain Dimmable Compact Fluorescent Lamps and Products Containing Same. After a review of the record developed, I find, *inter alia*, that enforcement respondent MaxLite violated the consent order issued on July, 25, 2013 with respect to the sale of certain dimmable compact fluorescent bulbs.

It is my recommendation that enforcement measures are appropriate for violation of the consent order.

It is also my recommendation that respondent MaxLite's modification request be denied as Moot.

Conclusions of Law

1. The Commission has subject matter, personal, and *in rem* jurisdiction in this proceeding.
2. The importation requirement is satisfied.
3. The accused MaxLite CFL bulbs (model no. MLSZOGUDWW) infringe claim 9 of the '480 patent.
4. The accused Faux Can products (model nos. MLFC26DWWW, MLFC26DWWNI, and MLFC26DWBZ) do not infringe claim 9 of the '480 patent.
5. MaxLite violated the Consent Order issued on July 25, 2012.
6. Enforcement measures are appropriate for violation of the consent order.
7. The recommended civil penalty is \$20,000.

**IN THE MATTER OF CERTAIN DIMMABLE COMPACT
FLUORESCENT LAMPS AND PRODUCTS CONTAINING SAME**

337-TA-830

CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served upon the Office of Unfair Import Investigations and the following parties on _____, **2013**.

Lisa R. Barton, Acting Secretary
U.S. International Trade Commission
500 E Street, S.W., Room 112A
Washington, DC 20436

FOR COMPLAINANTS ANDRZEJ BOBEL & NEPTUN LIGHT, INC.:

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