

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

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

Investigation No. 337-TA-1081

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING THE INVESTIGATION
WITH RESPECT TO A PATENT BASED ON A PARTIAL
WITHDRAWAL OF THE COMPLAINT**

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 (“ID”) (Order No. 44) issued by the presiding administrative law judge (“ALJ”).

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 708-5468. Copies of non-confidential 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 this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 8, 2017, based on a complaint filed by Phillips Lighting North America Corp. of Somerset, New Jersey, and Phillips Lighting Holding B.V. of Eindhoven, Netherlands (together, “Phillips”). 82 FR 51872. The complaint alleges 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 LED lighting devices, LED power supplies, and components thereof that infringe certain claims of U.S. Patent Nos. 6,586,890; 7,038,399; 7,256,554; 7,262,559; and 8,070,328 (“the ’328 patent”). *Id.* The Commission’s notice of

investigation named as respondents Feit Electric Company, Inc., of Pico Rivera, California; Edgewell Personal Care Brands, LLC of Shelton, Connecticut; Feit Electric Company, Inc. (China) of Xiamen, China; Lowe's Companies of Mooresville, North Carolina; L G Sourcing of North Wilkesboro, North Carolina; MSi Lighting, Inc. of Boca Raton, Florida; Satco Products, Inc. of Brentwood, New York; Topaz Lighting Corp. of Holtsville, New York; Wangs Alliance Corporation d/b/a WAC Lighting Co. of Port Washington, New York; and WAC Lighting (Shanghai) Co. Ltd., of Shanghai, China. *Id.* The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On May 9, 2018, Phillips filed an unopposed motion terminate the investigation with respect to the '328 patent based on a partial withdrawal of the complaint. The motion indicated that there were no agreements among the parties concerning the subject matter of this investigation.

On May 22, 2018, the ALJ issued the subject ID, terminating the investigation with respect to the '328 patent. The ALJ found that there were no extraordinary circumstances that would prevent Phillips from withdrawing its allegations regarding the '328 patent. No petitions for review of the ID were received.

The Commission has determined not to review the subject 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 CFR part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: June 11, 2018