

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 GRANTING-IN-PART A SUMMARY
DETERMINATION MOTION THAT THE TECHNICAL PRONG IS SATISFIED**

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. 55) 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 (“the ’554 patent”); 7,262,559; and 8,070,328. *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, Inc. 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 June 15, 2018, Philips moved for a summary determination that its asserted domestic industry products satisfy the technical prong of the domestic industry requirement with respect to the '554 patent. On June 27, 2018, Lowe's opposed the motion. On July 2, 2018, Philips filed a reply in support of its motion.

On August 1, 2018, the ALJ issued the subject ID, granting-in-part Philips's motion. The ALJ found that there was no genuine dispute of material fact that Philips had shown that a specific model of its eW Cove Powercore Lighting Device practiced the asserted claims of the '554 patent, and granted a summary determination that the technical prong of the domestic industry requirement is satisfied with respect to that product. The ALJ denied as an order the motion with respect to the remaining asserted domestic industry products because Philips failed to show that the specific model of its eW Cove Powercore Lighting Device is representative of the asserted domestic industry products. 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: August 17, 2018