

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 EXTENDING THE TARGET DATE FOR THE
COMPLETION OF THE INVESTIGATION BY ONE MONTH**

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. 74) 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 (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://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. *Id.* The Commission’s Notice of Investigation named as respondents Feit Electric Company, Inc., of Pico Rivera, California; and Feit Electric

Company, Inc. (China) of Xiamen, China (together, “Feit”); Edgewell Personal Care Brands, LLC of Shelton, Connecticut; Lowe’s Companies, Inc. of Mooresville, North Carolina and LG Sourcing of North Wilkesboro, North Carolina (together, “Lowe’s”); MSi Lighting, Inc. of Boca Raton, Florida; Satco Products, Inc. of Brentwood, New York (“Satco”); 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 November 2, 2018, the ALJ issued the subject ID, extending the target date for the completion of the investigation to April 8, 2019. This extension also extends the deadline for the issuance of the final ID to December 7, 2018.

On November 9, 2018, respondents Feit, Lowe’s, and Satco filed a petition for review of the ID, and argued that the petition deadline, petition response deadline, and target date should be extended by an additional eleven days. On November 13, 2018, Phillips filed a response arguing that the petition deadline and target date should remain the same, but the petition response deadline should be extended by seven days.

The Commission denies respondents’ petition because it fails to specify a valid ground for review pursuant to Commission Rule 210.43(b)(1). *See* 19 CFR 210.43(b)(1). The petition does not allege that the subject ID is erroneous or affects Commission policy, but rather seeks an extension of time for the petition and response deadlines. The proper procedure to seek an extension of those deadlines is set forth in Commission Rule 201.14(b). *See* 19 CFR 201.14(b).

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: November 28, 2018