

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN LIGHT-EMITTING DIODE
PRODUCTS, SYSTEMS, AND
COMPONENTS THEREOF (III)**

Investigation No. 337-TA-1168

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO
CERTAIN PATENT CLAIMS**

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. 26) of the presiding administrative law judge (“ALJ”), terminating the investigation as to: (1) claims 2 and 10 of U.S. Patent No. 7,528,421 (“the ’421 patent”) and claims 4, 16-20, 22, and 26-30 of U.S. Patent No. 7,095,053 (“the ’053 patent”); and (2) claims 1-5 and 12 of the ’053 patent as asserted against respondents Lumileds Holding B.V. of Schipol, Netherlands and Lumileds LLC of San Jose, California (“the Lumiled Respondents”) (collectively, “the Withdrawn Claims”).

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 708-2310. 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 at <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 Investigation No. 337-TA-1163, *Certain Light-Emitting Diode Products, Systems, and Components Thereof (I)* (“*Certain LED Products (I)*”) on June 25, 2019, based on a complaint filed by Lighting Science Group Corporation and Health Inc., both of Cocoa Beach, Florida; and Global Value Lighting, LLC of West Warwick, Rhode Island (collectively, “LSG”). 84 *Fed. Reg.* 29877-79 (June 25, 2019). The complaint, as amended and supplemented, alleges violations of section 337 of the

Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain light-emitting diode products, systems, and components thereof by reason of infringement of certain claims of the '421 and '053 patents and U.S. Patent Nos: 7,098,483 (“the '483 patent”); 8,506,118; 8,674,608; 8,201,968; and 8,967,844. The complaint further alleges the existence of a domestic industry. The Commission’s notice of investigation named several respondents including the Lumileds Respondents. The Office of Unfair Import Investigations is not participating in the investigation.

On July 10, 2019, the ALJ, pursuant to Commission Rule 210.14(h), 19 CFR 210.14(h), severed *Certain LED Products (I)* into two investigations. See *Certain LED Products (I)*, Order No. 5 (July 10, 2019) (EDIS Doc. ID Nos. 680780). The ALJ specified that all issues relating to whether there is a violation of section 337 based on the allegations of infringement of U.S. Patent Nos. 8,506,118 and 8,674,608 would be addressed in *Certain LED Products (I)* (the 1163 investigation). *Id.* The ALJ also specified that all issues relating to whether there is a violation of section 337 based on the allegations of infringement of the '421, '053, and '483 patents would be addressed in Investigation No. 1168, *Certain Light-Emitting Diode Products, Systems, and Components Thereof (III)* (“*Certain LED Products (III)*”). *Id.*; see also *Certain LED Products (III)*, Order No. 5 (July 10, 2019) (EDIS Doc. ID No. 681288).

On January 27, 2020, LSG filed an unopposed motion to terminate the investigation in part based on withdrawal of the complaint with respect to the Withdrawn Claims.

On January 29, 2020, the ALJ issued the subject ID (Order No. 26) granting LSG’s motion for partial termination as to the Withdrawn Claims. The ID finds that the motion for termination satisfied Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), and that no extraordinary circumstances exist that would prevent the requested partial termination. No petitions for review were filed.

The Commission has determined not to review the 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: February 26, 2020