

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

**In the Matter of**

**CERTAIN FILAMENT LIGHT-EMITTING  
DIODES AND PRODUCTS CONTAINING SAME**

**Investigation No. 337-TA-1172**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL  
DETERMINATION TERMINATING THE INVESTIGATION  
AS TO CERTAIN ASSERTED 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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 7), which terminates the investigation as to certain asserted patent claims based upon withdrawal of the complaint.

**FOR FURTHER INFORMATION CONTACT:** Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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, S.W., 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 TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on September 4, 2019, based on a complaint filed by The Regents of the University of California, of Oakland, California ("the University of California"). 84 FR 46564, 46564 (Sept. 4, 2019). 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, in the sale for importation, or the sale within the United States after importation of certain filament light-emitting diodes and products containing same, by reason of the infringement of certain claims of U.S. Patent Nos. 7,781,789 ("the '789 patent"), 9,240,529; 9,859,464; and 10,217,916. 84 FR at 46564. The notice of investigation names as respondents Amazon.com, Inc. and Amazon.com Services, Inc., both of Seattle, Washington; Bed Bath and Beyond Inc. of Union, New Jersey; IKEA of Sweden AB of Almhult,

Sweden; IKEA Supply AG of Pratteln, Switzerland; IKEA Distribution Services Inc. and IKEA North America Services, LLC, both of Conshohocken, Pennsylvania; Target Corporation of Minneapolis, Minnesota; and Walmart Inc. of Bentonville, Arkansas. *Id.* The Office of Unfair Import Investigations was also named as a party. *Id.*

On November 4, 2019, the University of California moved to terminate the investigation as to claims 5 and 33 of the '789 patent. The motion stated that the respondents did not oppose the motion. On November 13, 2019, the Commission investigative attorney responded in support of the motion.

On December 2, 2019, the ALJ issued the subject ID pursuant to Commission Rule 210.21(a), 19 CFR 210.21(a), granting the motion. The ID finds there are no extraordinary circumstances that warrant denying the motion. ID at 2. The University of California continues to assert claims 3, 9, 12, 13, 15, 18, 28, 31, 37, 40, 41, 43, 47, and 56 of the '789 patent, as well as claims of the other asserted patents.

No petitions for review of the ID 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton  
Secretary to the Commission

Issued: December 20, 2019