

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

In the Matter of

**CERTAIN ELECTRONIC CANDLE
PRODUCTS AND COMPONENTS
THEREOF**

Inv. No. 337-TA-1195

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING SUMMARY DETERMINATION OF NO VIOLATION
BY SCOTT BROTHERS ENTERTAINMENT INC. AND TERMINATING SCOTT
BROTHERS ENTERTAINMENT INC. FROM THE INVESTIGATION**

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. 17) issued by the presiding administrative law judge (“ALJ”) granting summary determination of no violation by Scott Brothers Entertainment Inc. (“Scott Brothers”) and Terminating Scott Brothers from the Investigation.

FOR FURTHER INFORMATION CONTACT: Benjamin S. Richards, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 708-5453. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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 April 6, 2020, based on a complaint, as supplemented, filed by L&L Candle Company LLC of Brea, California, and Sotera Tschetter, Inc. of St. Paul, Minnesota. 85 FR 19158 (Apr. 6, 2020). The amended 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 electronic candle products and components thereof by reason of infringement of certain claims of United States Patent Nos. 8,550,660, 9,366,402, 9,512,971, 9,523,471, and 10,533,718. *Id.* The complaint further alleges that an industry in the United States exists. *Id.* The Commission’s notice of investigation named twenty-two respondents, including Scott Brothers. *Id.* at 19159. The Office of Unfair Import Investigations (“OUII”) is participating in this investigation. *Id.*

On July 9, 2020, Scott Brothers moved for summary determination of no violation based on a lack of importation of any accused product by Scott Brothers (“Scott Brothers MSD”). The complainants did not oppose Scott Brothers’ motion. *Id.* On July 20, 2020, OUII filed a response in support of the motion. OUII Resp. at 1.

On July 28, 2020, the ALJ issued the subject ID granting the motion and terminating the investigation as to Scott Brothers. ID at 5. The ID found that there is “no dispute that Scott Brothers does not import or sell any of the electronic candle products at issue in this investigation.” *Id.* at 4. In support of that finding, the ID cited evidence showing that Scott Brothers’ only involvement with the accused products in this investigation is as the licensor of its Scott Living® trademark to respondent Lifetime Brands, Inc. *Id.* (citing Scott Brothers MSD, Ex. 13, Ex. 16, Ex. 17); *see also* OUII Resp. at 3–4. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID. Scott Brothers Entertainment Inc. is hereby terminated from the investigation.

The Commission vote for this determination took place on August 27, 2020.

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 28, 2020