

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
EXTENDING THE DEADLINE TO DETERMINE WHETHER TO REVIEW AN
INITIAL DETERMINATION TO DECEMBER 18, 2020.**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend to December 18, 2020, the deadline to determine whether to review an initial determination (“ID”) (Order No. 28) issued by the presiding administrative law judge (“ALJ”) granting summary determination of non-infringement to Sterno Home Inc., Ningbo Huamao International Trading Co., Ltd., and Ningbo Yinzhou Langsheng Artware Co., Ltd. (collectively, “Sterno”) and Lifetime Brands, Inc. (“Lifetime”).

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 Sterno and Lifetime. *Id.* at 19159. The Office of Unfair Import Investigations (“OUII”) is participating in this investigation. *Id.*

On September 22, 2020, Sterno and Lifetime filed a joint motion for summary determination of noninfringement. The motion was unopposed by Complainants, and supported by OUII. On October 13, 2020, the ALJ issued the subject ID granting the motion. As explained in the ID, there was no dispute that Sterno's and Lifetime's accused products do not infringe under the claim constructions adopted by the ALJ in her claim construction order that issued on September 14, 2020. Because the summary determination ruling was dispositive as to Complainants' section 337 allegations against Sterno and Lifetime, the ID terminated the investigation as to both.

On October 26, 2020, pursuant to an extension granted by the Commission Chair, Complainants filed a petition for review of the subject ID. Complainants' petition seeks review and reversal of the claim constructions underlying the subject ID's non-infringement findings. Pursuant to an extension granted by the Commission Chair, any responses to the Complainants' petition were due on November 9, 2020.

The current deadline for the Commission to determine whether to review the subject ID is November 12, 2020. The Commission has determined to extend the deadline by which it must determine whether to review the subject ID to December 18, 2020.

The Commission vote for this determination took place on November 12, 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: November 12, 2020