

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN FILAMENT LIGHT-EMITTING
DIODES AND PRODUCTS CONTAINING
SAME (II)**

Investigation No. 337-TA-1220

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING UNOPPOSED MOTIONS FOR PARTIAL
TERMINATION OF 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. 37) of the presiding administrative law judge (“ALJ”) granting unopposed motions for partial termination of the investigation as to certain patent claims based on the withdrawal of the complaint allegations as to those claims.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. 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: On October 5, 2020, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by The Regents of the University of California (“Complainant”). *See* 85 FR 62761-62 (Oct. 5, 2020). The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain filament light-emitting diodes and products containing the same by reason of infringement of claims 1, 6, 8, and 9 of U.S. Patent No. 9,240,529 (“the ’529 patent”); claims 1, 7, 9, and 10 of U.S. Patent No. 9,859,464 (“the ’464 patent”); claims 1, 2, and 6 of U.S. Patent No. 10,593,854 (“the ’854 patent”); claims 1 and 2 of U.S. Patent No. 10,644,213 (“the ’213 patent”); and claims 1 and 2 of U.S. Patent No. 10,658,557 (“the ’557 patent”). *See id.* The notice of investigation names the following respondents: Home Depot Product Authority, LLC; Home Depot U.S.A., Inc.; and The Home Depot, Inc. of Atlanta, Georgia; General Electric Company of Boston, Massachusetts;

Consumer Lighting (U.S.) LLC, d/b/a GE Lighting of Cleveland, Ohio; Savant Systems, Inc. of Hyannis, Massachusetts; Feit Electric Company, Inc. of Pico Rivera, California; Satco Products, Inc. of Brentwood, New York; IKEA Supply AG of Pratteln, Switzerland; IKEA U.S. Retail LLC of Conshohocken, Pennsylvania; and IKEA of Sweden AB of Almhult, Sweden. *See id.* The Office of Unfair Import Investigations is also a party to the investigation. *See id.*

On November 5, 2020, the ALJ issued an ID granting non-party Signify North America Corp.'s motion to intervene in this investigation. *See* Order No. 14 (Nov. 5, 2020), *unreviewed by* Comm'n Notice (Nov. 30, 2020). On November 16, 2020, the ALJ issued an ID granting non-party Global Value Lighting LLC's motion to intervene in this investigation. *See* Order No. 15 (Nov. 16, 2020), *unreviewed by* Comm'n Notice (Dec. 8, 2020).

On May 24, 2021, Complainant filed an unopposed motion for partial termination of the investigation with respect to claim 2 of the '213 patent based on the withdrawal of the complaint allegations as to that claim. On June 9, 2021, Complainant filed a second unopposed motion for partial termination of the investigation with respect to claim 1 of the '213 patent, claim 9 of the '529 patent, claim 10 of the '464 patent, claims 2 and 6 of the '854 patent, and claim 2 of U.S. Patent No. 10,658,577 [sic]. No response was filed to either motion.

On June 15, 2021, the ALJ issued the subject ID (Order No. 37) granting the motions. In accordance with Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), the ID notes that Complainant represents that "there are no agreements, written or oral, express or implied, between the Parties concerning the subject matter of this Investigation." *See* ID at 2. In addition, the ID finds "no extraordinary circumstances that warrant denying the motion[s]." *Id.* No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. Claim 9 of the '529 patent, claim 10 of the '464 patent, claims 2 and 6 of the '854 patent, and claim 2 of the '557 patent are terminated from the investigation. The '213 patent is terminated in its entirety.

The Commission's vote for this determination took place on June 29, 2021.

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: June 29, 2021