

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN LED LIGHTING DEVICES, LED
POWER SUPPLIES, COMPONENTS
THEREOF, AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-1371

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION GRANTING COMPLAINANTS' MOTION FOR
SUMMARY DETERMINATION**

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. 11) granting complainants' motion for summary determination that they satisfy the technical prong of the domestic industry requirement with respect to claims 1, 5, 9, 10, 14, and 15 of U.S. Patent No. 8,070,328 ("the '328 patent").

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3115. 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, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 18, 2023, based on a complaint filed by Signify North America Corporation of Bridgewater, New Jersey, and Signify Holding B.V. of the Netherlands (collectively, "Signify"). 88 FR 56661-62 (Aug. 18, 2023). 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, the sale for importation, or the sale within the United States after importation of certain LED lighting devices, LED power supplies, components thereof, and products containing same by reason of infringement of claims 1-4, 6, and 7 of U.S. Patent No. 8,063,577; claim 1 of U.S. Patent No. 9,119,268 ("the '268 patent"); and claims 1, 4-7, 9, 10, 14, and 15 of the

'328 patent. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission's notice of investigation named as respondents Current Lighting Solutions, LLC of Beachwood, Ohio ("Current"). *Id.* at 56662. The Office of Unfair Import Investigations ("OUII") is participating in the investigation. *Id.* Subsequently, the ALJ issued an ID terminating the '268 patent from the investigation. Order No. 8 (Dec. 1, 2023), *unreviewed by* Notice (Jan 2, 2024).

On January 2, 2024, complainants Signify moved for summary determination that they satisfy the technical prong of the domestic industry requirement with respect to claims 1, 5, 9, 10, 14, and 15 of U.S. Patent No. 8,070,328. Motion Docket No. 1371-004 (Jan. 2, 2024) ("Mot."). The motion states it is unopposed by respondent Current. Mot. at 1. On January 9, 2024, OUII filed a response supporting the motion. OUII Resp. (Jan. 9, 2024).

On January 10, 2024, the ALJ granted the unopposed motion pursuant to Commission Rule 210.18 (19 CFR 210.18). Based on the record, the ID finds that there are no claim construction issues that prevent granting Signify's motion. The ID further finds that Signify provides evidence that certain products meet asserted claims 1, 5, 9, 10, 14, and 15 of the '328 patent. The ID finds that neither Current nor OUII sets forth specific facts showing that there is a genuine issue of fact for the evidentiary hearing regarding the technical prong of the domestic industry requirement with respect to claims 1, 5, 9, 10, 14, and 15 of the '328 patent, and notes that those issues will not be tried at the evidentiary hearing. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID. The complainants have established the technical prong of the domestic industry requirement as to claims 1, 5, 9, 10, 14, and 15 of the '328 patent.

The Commission vote for this determination took place on February 7, 2024.

The authority for the Commission's determination is contained in section 337 of the
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 7, 2024