

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN COMPACT FLUORESCENT
REFLECTOR LAMPS, PRODUCTS
CONTAINING SAME AND
COMPONENTS THEREOF**

Investigation No. 337-TA-872

**NOTICE OF THE COMMISSION'S DETERMINATION TO DENY
COMPLAINANTS' PETITION FOR RECONSIDERATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to deny complainants Andrzej Bobel's and Neptun Light, Inc.'s (collectively, "Neptun") petition for reconsideration.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5468. 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 (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.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 March 5, 2013, based on a complaint filed by Neptun to consider alleged violations of 19 U.S.C. § 1337 ("section 337") by reason of infringement of claims 1, 2, 10, and 11 of U.S. Patent No. 7,053,540 ("the '540 patent"). 78 *Fed. Reg.* 14357-58. The Commission's notice of investigation named as respondents Maxlite, Inc. ("Maxlite"); Satco Products, Inc. ("Satco"); Litetronics International, Inc. ("Litetronics") (together, "Respondents"); and Technical Consumer Products, Inc. ("TCP"). *Id.* at 14358. The Office of Unfair Import Investigations did not participate in this investigation. *Id.* On June 11, 2013, the ALJ issued an initial determination terminating the investigation with respect to TCP based on a settlement agreement. Order No. 20, *not reviewed* (July 8, 2013).

On February 3, 2014, the ALJ issued his final initial determination (“ID”), finding a violation of section 337 by Respondents. On February 18, 2014, Respondents petitioned for review of several of the ALJ’s findings. On April 8, 2014, the Commission determined to review the ALJ’s findings on the claim construction of “mating opening,” infringement, and the economic prong of the domestic industry requirement. 79 Fed. Reg. 20908-10 (Apr. 14, 2014). On June 3, 2014, the Commission found that Neptun had not proven a violation of section 337 by Respondents, and determined to reject the ALJ’s construction of mating opening, to reverse the ALJ’s findings of infringement, and to take no position on the whether Neptun satisfied the economic prong of the domestic industry requirement. 79 Fed. Reg. 32996-97 (June 9, 2014). A Commission Opinion explaining the Commission’s determination issued on June 10, 2014.

On June 17, 2014, Neptun petitioned the Commission, pursuant to Commission Rule 210.47 (19 C.F.R. §210.47), to reconsider its determinations on claim construction and infringement. Neptun’s petition largely relies upon the U.S. Supreme Court’s opinion in *Nautilus, Inc. v. Biosig Instruments, Inc.*, 134 S.Ct. 2120 (June 2, 2014). On June 23, 2014, Respondents opposed Neptun’s petition for reconsideration. On the same date, Neptun filed Complainants Andrzej Bobel and Neptun Light, Inc.’s Notice of Brief of the United States as Amicus Curiae in *Teva Pharmaceuticals, Inc. v. Sandoz, Inc.* The Commission finds that Neptun has failed to show any “new questions raised by the determination . . . and upon which the petitioner had no opportunity to submit arguments,” as required by Commission Rule 210.47. The Commission therefore denies Neptun’s petition for reconsideration.

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 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: August 1, 2014