

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

In the Matter of

**CERTAIN LIGHT-EMITTING DIODE
PRODUCTS AND COMPONENTS
THEREOF**

Investigation No. 337-TA-947

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING-IN-PART THE INVESTIGATION
BASED ON A PARTIAL WITHDRAWAL OF THE COMPLAINT**

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. 36) terminating the investigation in part based on a partial withdrawal of the complaint.

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 February 18, 2015, based on a complaint filed by Cree, Inc. of Durham, North Carolina ("Cree"). 80 Fed. Reg. 8685-86 (Feb. 18, 2015). The complaint alleged 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 light-emitting diode products and components thereof by reason of infringement of certain claims of United States Patent Nos. 6,657,236 ("the '236 patent"); 6,885,036 ("the '036 patent"); 6,614,056 ("the '056 patent"); 7,312,474 ("the '474 patent"); 7,976,187; 8,766,298; 8,596,819; and 8,628,214. The

notice of investigation named the following entities as respondents: Feit Electric Company, Inc. of Pico Rivera, California; Feit Electric Company, Inc. of Xiamen, China; Unity Opto Technology Co., Ltd. of New Taipei City, Taiwan; and Unity Microelectronics, Inc. of Plano, Texas (collectively, “Respondents”). The Office of Unfair Import Investigations (OUII) is also a party to the investigation.

On October 7, 2015, Cree filed a motion to partially terminate the investigation with respect to the '036 patent; the '056 patent; claims 8, 11-12, and 32 of the '236 patent; and claim 17 of the '474 patent, based on Cree's withdrawal of its allegations as to those patents and claims. The motion also sought to withdraw the witness statements of Dr. Brian Thibeault (CX-0008C) and Dr. James Ibbetson (CX-0003C). On October 9, 2015, Respondents and the Commission Investigative Attorney responded that they did not oppose the motion.

On October 13, 2015, the ALJ issued the subject ID, granting the motion to terminate the investigation with respect to the '036 patent; the '056 patent; claims 8, 11-12, and 32 of the '236 patent; and claim 17 of the '474 patent. The ALJ stated that a complainant can generally terminate an investigation in part based on its withdrawal of allegations during the prehearing stage of an investigation unless there are extraordinary circumstances, and found no such extraordinary circumstances here. The ALJ also granted the motion to withdraw the witness statements as an order. No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID.

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: November 2, 2015