

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC

In the Matter of

**CERTAIN GROUND FAULT CIRCUIT
INTERRUPTERS AND PRODUCTS
CONTAINING SAME**

Inv. No. 337-TA-739

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION RETURNING BOND POSTED BY
RESPONDENT GARVIN INDUSTRIES, INC.**

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 initial determination of the presiding administrative law judge (“ALJ”), issued November 18, 2013, granting a petition filed by respondent Garvin Industries, Inc. (“Garvin”) to release and return the bond posted in connection with this investigation.

FOR FURTHER INFORMATION CONTACT: Clark S. Cheney, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 205-2661. Copies of all nonconfidential 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 SW., 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 the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 5, 2010, based on a complaint filed by Leviton Manufacturing Co., Inc. (“Leviton”). The complaint alleged that a number of entities, including Garvin, violated section 337 of the Tariff Act of 1930, as amended, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain ground fault circuit interrupters (“GFCIs”) alleged to infringe several U.S. patents. Garvin did not appear in the investigation and was found in default on December 22, 2010.

On April 27, 2012, the Commission issued a general exclusion order barring entry of GFCIs that infringe certain claims of U.S. Patent No. 7,737,809. The Commission also entered cease and desist orders against several respondents, including Garvin. The Commission set the bond during the Presidential review period at \$0.25 per unit. Garvin continued to sell GFCIs during the Presidential review period and accordingly posted a bond with the Commission.

Leviton and Garvin eventually entered into a settlement agreement and, in accordance with that settlement, on January 16, 2013, Leviton filed a motion with the ALJ, requesting that the bond posted by Garvin be returned to Garvin. The Commission investigative attorney supported the motion.

On November 18, 2013, the ALJ issued an initial determination (“ID”), pursuant to section 210.50(d)(3) of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.50(d)(3)), granting return of the bond to Garvin based on the provisions of the settlement agreement. No petitions for review of the ID were filed.

The Commission has determined not to review the 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Acting Secretary to the Commission

Issued: January 2, 2014