

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

**In the Matter of**

**CERTAIN LED LIGHTING DEVICES  
AND COMPONENTS THEREOF**

**Investigation No. 337-TA-1107**

**GENERAL EXCLUSION ORDER**

The United States International Trade Commission ("Commission") has determined that there is a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the unlawful importation, sale for importation, or sale within the United States after importation of certain LED lighting devices and components thereof that infringe one or more of claim 1 of U.S. Patent No. 9,411,083 ("the '083 patent") and claim 1 of U.S. Patent No. 9,772,499 ("the '499 patent").

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that a general exclusion from entry for consumption is necessary to prevent circumvention of an exclusion order limited to products of named persons and because there is a pattern of violation of section 337 and it is difficult to identify the source of the infringing products. Accordingly, the Commission has determined to issue a general exclusion order prohibiting the unlicensed importation of infringing LED lighting devices and components thereof.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(d) do not preclude the issuance of the general exclusion order, and that the bond

during the period of Presidential review shall be in the amount of one hundred (100) percent of the entered value of the articles in question.

Accordingly, the Commission hereby **ORDERS** that:

1. LED lighting devices and components thereof that infringe one or more of claim 1 of the '083 patent and claim 1 of the '499 patent ("covered articles") are excluded from entry for consumption into the United States, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, for the remaining terms of the patents, except under license of the patent owner or as provided by law.
2. Notwithstanding paragraph 1 of this Order, covered articles are entitled to entry into the United States for consumption, entry for consumption from a foreign- trade zone, or withdrawal from a warehouse for consumption under bond in the amount of one hundred (100) percent of the entered value of the products, pursuant to subsection (j) of section 337 (19 U.S.C. § 1337(j)) and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 *Fed. Reg.* 43251), from the day after this Order is received by the United States Trade Representative until such time as the United States Trade Representative notifies the Commission that this Order is approved or disapproved but, in any event, not later than sixty (60) days after the date of receipt of this Order. All entries of covered articles made pursuant to this paragraph are to be reported to U.S. Customs and Border Protection ("CBP"), in advance of the date of the entry, pursuant to procedures CBP establishes.
3. At the discretion of CBP and pursuant to the procedures it establishes, persons

seeking to import covered articles that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraph 1 of this Order. At its discretion, CBP may require persons who have provided the certification described in this paragraph to furnish such records or analyses to substantiate the certification.

4. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to covered articles that are imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.
5. The Commission may modify this Order in accordance with the procedures described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).
6. The Secretary shall serve copies of this Order upon each party of record in this investigation and upon CBP.
7. Notice of this Order shall be published in the Federal Register.

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  
Secretary to the Commission

Issued: August 21, 2019

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney, **Whitney Winston, Esq.**, and the following parties as indicated, on **8/21/2019**



Lisa R. Barton, Secretary  
U.S. International Trade Commission  
500 E Street, SW, Room 112  
Washington, DC 20436

**On Behalf of Complainant Fraen Corporation:**

William D. Belanger  
**PEPPER HAMILTON LLP**  
19th Floor, High Street Tower  
125 High Street  
Boston, MA 02110

- ☐ Via Hand Delivery  
☒ Via Express Delivery  
☐ Via First Class Mail  
☐ Other: \_\_\_\_\_

**Respondents:**

Guangzhou Chaiyi Light Co., Ltd. d/b/a Fine Art Lighting Co.,  
Ltd.,  
No. 8 Kexing Road, Guangzhou Civilian Scien-tech Park  
No. 1633 Beitai Road, Baiyun District, Guangdong 510000  
China

- ☐ Via Hand Delivery  
☒ Via Express Delivery  
☐ Via First Class Mail  
☐ Other: \_\_\_\_\_

Guangzhou Xuanyi Lighting Co., Ltd. d/b/a XY E-Shine  
Building A., Longhu First Industrial Zone  
Shijing Road, Baiyun District, Guangzhou  
Guangdong 510430, China

- ☐ Via Hand Delivery  
☒ Via Express Delivery  
☐ Via First Class Mail  
☐ Other: \_\_\_\_\_

Guangzhou Flystar Lighting Technology Co., Ltd.  
3<sup>rd</sup> Floor, B. Building Huihuang Industrial Estate  
Nanfang Village, Renhe Town, Baiyun District,  
Guangzhou, Guangdong 510000, China

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☒ Via Express Delivery  
☐ Via First Class Mail  
☐ Other: \_\_\_\_\_

**CERTAIN LED LIGHTING DEVICES AND COMPONENTS  
THEREOF**

**Inv. No. 337-TA-1107**

Certificate of Service – Page 2

Wuxi Changsheng Special Lighting Apparatus Factory d/b/a  
Roccer  
2<sup>nd</sup> Industrial Zone, Dangxiao Road, Luqu Wuxi  
Jiangsu 214000, China

- ☐ Via Hand Delivery
- ☒ Via Express Delivery
- ☐ Via First Class Mail
- ☐ Other: \_\_\_\_\_