

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C. 20436**

**In the Matter of  
CERTAIN GROUND FAULT CIRCUIT  
INTERRUPTERS AND PRODUCTS  
CONTAINING SAME**

**Investigation No. 337-TA-615**

**ORDER: RESCISSION IN PART AND MODIFICATION OF REMEDIAL ORDERS AS  
TO CERTAIN RESPONDENTS**

Upon consideration of the petition filed by respondents General Protecht Group, Inc. ("GPG") of Zhejiang, China and Wenzhou Trimone Company ("Trimone") of Zhejiang, China, seeking partial rescission pursuant to Commission Rule 210.76 of the limited exclusion order previously issued in the above-identified investigation and further considering the mandate of the U.S. Court of Appeals for the Federal Circuit in *General Protecht Group, Inc. v. ITC*, 619 F.3d 1303 (Fed. Cir. 2010), *reh'g denied*, (Fed. Cir. Dec. 14, 2010), *mandate issued* (Fed. Cir. Dec. 21, 2010), the Commission hereby **ORDERS** that:

1. The petition for rescission in part is GRANTED.
2. The limited exclusion order with respect to GPG and Trimone is rescinded.
3. The limited exclusion order with respect to Shanghai ELE Manufacturing Corporation ("ELE") of Shanghai, China, as well as Cheetah USA Corp. of Sandy, Utah; Nicor Inc. of Albuquerque, New Mexico; Orbit Industries, Inc. of Los Angeles, California; and Colacino Electric Supply, Inc. of Newark, New York (collectively "ELE's distributors"), is modified to remove reference to claims 14, 18, and 30 of U.S. Patent No. 7,283,340 ("the '340 patent").
4. The cease and desist orders directed toward ELE's distributors are modified to remove reference to claims 14, 18, and 30 of the '340 patent.

5. The Secretary will serve this Order on the parties to this investigation and the Secretary of the Treasury, and publish notice thereof in the *Federal Register*.

By order of the Commission.

A handwritten signature in dark ink, appearing to read "J. R. Hall", written in a cursive style.

James Holbein  
Acting Secretary to the Commission


Issued: March 24, 2011

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

**337-TA-615**

**PUBLIC CERTIFICATE OF SERVICE**

I, James R. Holbein, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney, Bryan Moore, Esq., and the following parties as indicated, on **March 25, 2011** .

  
James R. Holbein, Acting Secretary  
U.S. International Trade Commission  
500 E Street, SW  
Washington, DC 20436

**ON BEHALF OF COMPLAINANT PASS &  
SEYMOUR, INCORPORATED:**

Jennifer A. Albert, Esq.  
**GOODWIN PROCTER LLP**  
901 New York Ave., NW  
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( ) Via Overnight Mail  
(**x**) Via First Class Mail  
( ) Other: \_\_\_\_\_

**ON BEHALF OF RESPONDENTS WENZHOU  
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ELECTRIC CO., LTD. (TRIMONE):**

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**ON BEHALF OF RESPONDENT SHANGHAI  
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**ON BEHALF OF RESPONDENT GENERAL  
PROTECHT GROUP INC.:**

Ann G. Fort, Esq.  
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999 Peachtree Street, NE  
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**ON BEHALF OF RESPONDENTS SHANGHAI ELE  
MFG. CORPORATION, CHEETAH USA  
CORPORATION, ORBIT INDUSTRIES,  
INCORPORATED, NICOR INCORPORATED,  
AND COLACINO ELECTRIC SUPPLY:**

Tony D. Chen, Esq.  
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**ON BEHALF OF RESPONDENT DESIGNERS  
EDGE, INCORPORATED:**

Leslie Hagin, Esq.  
**MCNAUL EBEL NAWROT & HELGREN PLLC**  
600 University Street, Suite 2700  
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**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C.**

**In the Matter of**

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

**Investigation No. 337-TA-615**

**NOTICE OF COMMISSION FINAL DETERMINATION OF VIOLATION OF  
SECTION 337; TERMINATION OF INVESTIGATION; ISSUANCE OF LIMITED  
EXCLUSION ORDER AND CEASE-AND-DESIST ORDERS**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined that there is a violation of 19 U.S.C. § 1337 in the above-captioned investigation by respondents General Protecht Group, Inc. ("GPG") of Zhejiang, China; Shanghai ELE Manufacturing Corporation ("ELE") of Shanghai, China; Shanghai Meihao Electric, Inc. ("Meihao") of Shanghai, China; Wenzhou Trimone Company ("Trimone") of Zhejiang, China; Cheetah USA Corp. ("Cheetah") of Sandy, Utah; Nicor Inc. ("Nicor") of Albuquerque, New Mexico; Orbit Industries, Inc. ("Orbit") of Los Angeles, California; The Designer's Edge ("TDE") of Bellevue, Washington; and Colacino Electric Supply, Inc. ("Colacino") of Newark, New York by reason of infringement of one or more of claims 1, 7, and 8 of United States Patent No. 5,594,398 ("the '398 patent"); claims 14, 18, and 30 of United States Patent No. 7,283,340 ("the '340 patent"); claim 52 of United States Patent No. 7,154,718 ("the '718 patent"); and claims 1 and 15 of United States Patent No. 7,164,564 ("the '564 patent"). To remedy the violation it has found, the Commission has determined to issue a limited exclusion order and to issue cease-and-desist orders to certain respondents. The investigation is terminated.

**FOR FURTHER INFORMATION CONTACT:** Paul M. Bartkowski, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5432. 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 at <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:** This investigation was instituted on September 18, 2007, based on a complaint filed by Pass & Seymour, Inc. ("P&S") of Syracuse, New York. The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 (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 ground fault circuit interrupters and products containing the same by reason of infringement of certain claims of certain United States patents. The complaint named 15 respondents. After institution of the investigation, by separate initial determinations, each of which the Commission determined not to review, certain respondents were terminated from the investigation; the '340 patent was added to the investigation; P&S's motion for summary determination that it satisfied the economic prong of the domestic industry requirement was granted with respect to all asserted patents; and the investigation was terminated with respect to all claims except claims 1, 7, and 8 of the '398 patent, claim 1 of U.S. Patent No. 7,212,386 ("the '386 patent"), claims 14, 18, and 30 of the '340 patent, claims 1 and 15 of the '564 patent; claims 1, 2, 5, and 6 of U.S. Patent No. 7,256,973 ("the '973 patent"); and claim 52 of the '718 patent.

On September 24, 2008, the administrative law judge ("ALJ") issued his final initial determination ("ID"), finding a violation with section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain ground fault circuit interrupters and products containing same by reason of infringement of one or more of claims 1, 7, and 8 of the '398 patent; claims 14, 18, and 30 of the '340 patent; claim 1 of the '386 patent; claims 1 and 15 of the '564 patent; claim 1 of the '973 patent; and claim 52 of the '718 patent. Respondents ELE (in a joint brief with its respondent customers Cheetah, Colacino, Orbit, and Nicor), Meihao (in a joint brief with its respondent customer TDE), GPG, and Trimone each filed a petition for review of the ID. P&S and the Commission investigative attorney ("IA") each filed a response to the respondents' petitions for review.


On December 8, 2008, the Commission determined to review the ID in part. Specifically, the Commission determined to review: (1) the ALJ's construction of "unitary, electrically conducting member carrying a pair of spaced electrical contacts" in the '398 patent and related issues of infringement, domestic industry, and validity; (2) the ALJ's construction of "mounting means" in the '398 patent and related issues of infringement, domestic industry, and validity; (3) the ALJ's construction of "latching means" in the '398 patent and related issues of infringement, domestic industry, and validity; (4) the ALJ's conclusion that the asserted claims of the '340 patent are not invalid; (5) the ALJ's construction of "an actuator assembly configured to provide an actuator signal in response to the fault detection or the wiring state detection signal" in the '386 patent and related issues of infringement, domestic industry, and validity; (6) the ALJ's construction of "the circuit interrupter being configured to disconnect the first conductive path from the second conductive path in response to the actuator signal in the reset state" in the '386 patent and related issues of infringement, domestic industry, and validity; (7) the ALJ's

determination regarding validity of the '386 patent; (8) the ALJ's determination of infringement of the '973 patent regarding ELE's 2006 GFCIs; and (9) the ALJ's construction of "cantilever" in the '718 patent and related issues of infringement, domestic industry, and validity. In its notice of review, the Commission asked the parties remaining in the investigation to address certain questions in their written submissions regarding the issues under review. Each of the remaining private parties and the IA filed written submissions regarding the issues on review, and on remedy, bonding, and the public interest. In addition, non-respondent Hubbell Inc. ("Hubbell") submitted briefs on the issues of remedy, the public interest, and bonding.

Having examined the record of this investigation, the Commission has determined to make certain modifications to the ALJ's ID, as set forth in the Commission's opinion. Applying these modifications to the ALJ's ID, the Commission has determined that a violation of section 337 has occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain ground fault circuit interrupters by respondents GPG, ELE, Meihao, Trimone, Cheetah, Nicor, Orbit, TDE, and Colacino by reason of infringement of one or more of claims 1, 7, and 8 of the '398 patent; claims 14, 18, and 30 of the '340 patent; claim 52 of the '718 patent; and claims 1 and 15 of the '564 patent. To remedy the violation it has found, the Commission has determined to issue a limited exclusion order, and to issue cease-and-desist orders to Cheetah, Colacino, Nicor, Orbit, and TDE. The Commission has determined that the public interest factors set out in section 337(d) do not preclude issuance of these remedial orders. Finally, the Commission has determined that the bond to permit temporary importation during the Presidential review period should be set at 100% of the entered value of the imported articles. The investigation is terminated.

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 section 210.45 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.45).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Marilyn R. Abbott", is written over a horizontal line.

Marilyn R. Abbott  
Secretary to the Commission

Issued: March 9, 2009

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

**In the Matter of**

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

**Inv. No. 337-TA-615**

**LIMITED EXCLUSION ORDER**

The Commission has determined that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the unlawful importation and sale of certain ground fault circuit interrupters and products containing the same that infringe one or more of claims 1, 7, and 8 of United States Patent No. 5,594,398 (“the ‘398 patent”); claims 14, 18, and 30 of United States Patent No. 7,283,340 (“the ‘340 patent”); claim 52 of United States Patent No. 7,154,718 (“the ‘718 patent”); and claims 1 and 15 of United States Patent No. 7,164,564 (“the ‘564 patent”) by General Protecht Group, Inc. (“GPG”); Shanghai ELE Manufacturing Corporation (“ELE”); Shanghai Meihao Electric, Inc. (“Meihao”); Wenzhou Trimone Company (“Trimone”); Cheetah USA Corp. (“Cheetah”); Nicor Inc. (“Nicor”); Orbit Industries, Inc. (“Orbit”); The Designer’s Edge (“TDE”); and Colacino Electric Supply, Inc. (“Colacino”).

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 the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of ground fault circuit interrupters and products containing the same that infringe the asserted claims of the ‘398, ‘340, ‘718, and ‘564 patents and



are manufactured abroad by or on behalf of, or imported by or on behalf of, GPG, ELE, Meihao, Trimone, Cheetah, Nicor, Orbit, TDE, or Colacino.

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 limited exclusion order, and that the bond during the Presidential review period shall be in the amount of 100% of the entered value of the articles in question.

Accordingly, the Commission hereby ORDERS that:

1. Ground fault circuit interrupters and products containing the same covered by one or more of claims 1 and 7 of the '398 patent and claims 14 and 18 of the '340 patent, and that are manufactured abroad by or on behalf of, or imported by or on behalf of, GPG or any of its affiliated companies, parents, subsidiaries, or other related business entities, or its successors or assigns are excluded from entry for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, for the remaining term of the patents, except under license of the patent owner or as provided by law.
2. Ground fault circuit interrupters and products containing the same covered by one or more of claims 1 and 7 of the '398 patent, claims 14 and 18 of the '340 patent, and claim 52 of the '718 patent, and that are manufactured abroad by or on behalf of, or imported by or on behalf of, Meihao, TDE, or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns are excluded from entry for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for

consumption, for the remaining term of the patents, except under license of the patent owner or as provided by law.

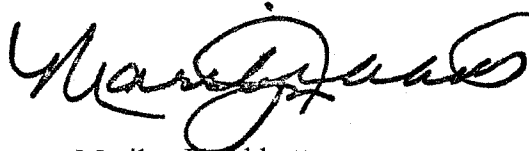
3. Ground fault circuit interrupters and products containing the same covered by one or more of claims 14 and 18 of the '340 patent, and that are manufactured abroad by or on behalf of, or imported by or on behalf of, Trimone or any of its affiliated companies, parents, subsidiaries, or other related business entities, or its successors or assigns are excluded from entry for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, for the remaining term of the patents, except under license of the patent owner or as provided by law.
4. Ground fault circuit interrupters and products containing the same covered by one or more of claims 1, 7, and 8 of the '398 patent, claims 14, 18, and 30 of the '340 patent, and claims 1 and 15 of the '564 patent, and that are manufactured abroad by or on behalf of, or imported by or on behalf of, ELE, Cheetah, Nicor, Orbit, or Colacino or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns are excluded from entry for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, for the remaining term of the patents, except under license of the patent owner or as provided by law.
5. Notwithstanding paragraphs 1-4 of this Order, the aforesaid ground fault circuit interrupters and products containing the same 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

100% of the entered value of such articles, from the day after this Order is received by the United States Trade Representative as delegated by the President, 70 *Fed. Reg.* 43251 (July 21, 2005), until such time as the United States Trade Representative notifies the Commission that this action is approved or disapproved but, in any event, not later than sixty (60) days after the date of receipt of this action.

6. At the discretion of U.S. Customs and Border Protection ("CBP") and pursuant to procedures it establishes, persons seeking to import ground fault circuit interrupters and products containing the same 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 paragraphs 1 through 10 of this Order. At its discretion, Customs may require persons who have provided the certification described in this paragraph to furnish such records or analyses as are necessary to substantiate the certification.
7. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to ground fault circuit interrupters and products containing the same 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.
8. The Commission may modify this Order in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

9. The Commission Secretary shall serve copies of this Order upon each party of record in this investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the Bureau of Customs and Border Protection.
10. 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 "Marilyn R. Abbott", with a stylized, cursive script.

Marilyn R. Abbott  
Secretary to the Commission

Issued: March 9, 2009

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

**In the Matter of**

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

**Inv. No. 337-TA-615**

**ORDER TO CEASE AND DESIST**

IT IS HEREBY ORDERED THAT Nicor Inc., of Albuquerque, New Mexico ("Nicor"), cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), and soliciting U.S. agents or distributors for, certain ground fault circuit interrupters and products containing the same that infringe one or more of claims 1, 7, and 8 of U.S. Patent No. 5,594,398; claims 14, 18, and 30 of U.S. Patent No. 7,283,340; and claims 1 and 15 of U.S. Patent No. 7,164,564, in violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

**I.**

**Definitions**

As used in this Order:

(A) "Commission" shall mean the United States International Trade Commission.

(B) "P & S" or "Complainants" shall mean Pass & Seymour, Inc. of 50

Boyd Avenue, Syracuse, New York 13209.

(C) “Nicor” or “Respondent” shall mean Nicor Inc. of 2200 Midtown Place NE, Suite A, Albuquerque, New Mexico 87107.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity or its majority owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean certain ground fault circuit interrupters and products containing the same that infringe one or more of claims 1, 7, and 8 of U.S. Patent No. 5,594,398 (“the ‘398 patent”); claims 14, 18, and 30 of U.S. Patent No. 7,283,340 (“the ‘340 patent”); and claims 1 and 15 of U.S. Patent No. 7,164,564 (“the ‘564 patent”).

## **II.**

### **Applicability**

The provisions of this Cease and Desist Order shall apply to Respondents and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with,

or otherwise on behalf of Respondent.

### **III.**

#### **Conduct Prohibited**

The following conduct of Respondent in the United States is prohibited by the Order. For the remaining term of the respective patents, Respondent shall not:

- (A) import or sell for importation into the United States covered products;
- (B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation), in the United States imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

### **IV.**

#### **Conduct Permitted**

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, the owner of the '398, '340 and '564 patents licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States.

**V.****Reporting**

For purposes of this reporting requirement, the reporting periods shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date of issuance of this Order through June 30, 2009. This reporting requirement shall continue in force until such time as Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of covered products that Respondent has imported or sold in the United States after importation during the reporting period and the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

**VI.****Record-keeping and Inspection**

(A) For the purpose of securing compliance with this Order, Respondent



shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order and for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission, upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary form as are required to be retained by subparagraph VI(A) of this Order.

## **VII.**

### **Service of Cease and Desist Order**

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII (A) of this Order, a copy of the Order upon each

successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the date of expiration of the '398, '340, or '564 patent, whichever is later.

## **VIII.**

### **Confidentiality**

Any request for confidential treatment of information obtained by the Commission pursuant to Sections V and VI of this Order should be in accordance with Commission Rule 201.6, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## **IX.**

### **Enforcement**

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this

Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## **X.**

### **Modification**

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## **XI.**

### **Bonding**

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative as delegated by the President, 70 *Fed Reg* 43251 (July 21, 2005), subject to Respondent posting a bond of in the amount of 100% of the entered value for infringing ground fault circuit interrupters and products containing the same. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this order are subject to the entry bond as set forth in the limited exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. *See* Commission Rule 210.68, 19 C.F.R.

§ 210.68. The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the United States Trade Representative approves, or does not disapprove within the review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved, or not disapproved, by the United States Trade Representative, upon service on Respondent of an order issued by the Commission based upon application therefore made by Respondent to the Commission.

By Order of the Commission.

A handwritten signature in black ink, appearing to read 'Marilyn R. Abbott', with a stylized, cursive script.

Marilyn R. Abbott  
Secretary to the Commission

Issued: March 9, 2009

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

**In the Matter of**

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

**Inv. No. 337-TA-615**

**ORDER TO CEASE AND DESIST**

IT IS HEREBY ORDERED THAT Orbit Industries, Inc. ("Orbit") of Los Angeles, California, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), and soliciting U.S. agents or distributors for, certain ground fault circuit interrupters and products containing the same that infringe one or more of claims 1, 7, and 8 of U.S. Patent No. 5,594,398; claims 14, 18, and 30 of U.S. Patent No. 7,283,340 ; and claims 1 and 15 of U.S. Patent No. 7,164,564, in violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

**I.**

**Definitions**

As used in this Order:

(A) "Commission" shall mean the United States International Trade Commission.

(B) "P & S" or "Complainants" shall mean Pass & Seymour, Inc. of 50

Boyd Avenue, Syracuse, New York 13209.

(C) “Orbit” or “Respondent” shall mean Orbit Industries, Inc. of 2100 S. Figueroa Street, Los Angeles, California 90007.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity or its majority owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean certain ground fault circuit interrupters and products containing the same that infringe one or more of claims 1, 7, and 8 of U.S. Patent No. 5,594,398 (“the ‘398 patent”); claims 14, 18, and 30 of U.S. Patent No. 7,283,340 (“the ‘340 patent”); and claims 1 and 15 of U.S. Patent No. 7,164,564 (“the ‘564 patent”).

## II.

### **Applicability**

The provisions of this Cease and Desist Order shall apply to Respondents and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with,

or otherwise on behalf of Respondent.

### **III.**

#### **Conduct Prohibited**

The following conduct of Respondent in the United States is prohibited by the Order. For the remaining term of the respective patents, Respondent shall not:

- (A) import or sell for importation into the United States covered products;
- (B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation), in the United States imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

### **IV.**

#### **Conduct Permitted**

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, the owner of the '398, '340, and '564 patents licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States.

**V.****Reporting**

For purposes of this reporting requirement, the reporting periods shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date of issuance of this Order through June 30, 2009. This reporting requirement shall continue in force until such time as Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of covered products that Respondent has imported or sold in the United States after importation during the reporting period and the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

**VI.****Record-keeping and Inspection**

(A) For the purpose of securing compliance with this Order, Respondent



shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order and for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission, upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary form as are required to be retained by subparagraph VI(A) of this Order.

## **VII.**

### **Service of Cease and Desist Order**

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII (A) of this Order, a copy of the Order upon each

successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the date of expiration of the '398, '340, or '564 patent, whichever is later.

## **VIII.**

### **Confidentiality**

Any request for confidential treatment of information obtained by the Commission pursuant to Sections V and VI of this Order should be in accordance with Commission Rule 201.6, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## **IX.**

### **Enforcement**

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this

Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## **X.**

### **Modification**

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## **XI.**

### **Bonding**

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative as delegated by the President, 70 *Fed Reg* 43251 (July 21, 2005), subject to Respondent posting a bond of in the amount of 100% of the entered value for infringing ground fault circuit interrupters and products containing the same. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this order are subject to the entry bond as set forth in the limited exclusion order issued by the Commission, and are not subject to this bond provision.


The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. *See* Commission Rule 210.68, 19 C.F.R.

§ 210.68. The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the United States Trade Representative approves, or does not disapprove within the review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved, or not disapproved, by the United States Trade Representative, upon service on Respondent of an order issued by the Commission based upon application therefore made by Respondent to the Commission.

By Order of the Commission.

A handwritten signature in black ink, appearing to read 'Marilyn R. Abbott', with a stylized, cursive script.

Marilyn R. Abbott  
Secretary to the Commission

Issued: March 9, 2009

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

**In the Matter of**

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

**Inv. No. 337-TA-615**

**ORDER TO CEASE AND DESIST**

IT IS HEREBY ORDERED THAT The Designer's Edge ("TDE") of Bellevue, Washington, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), and soliciting U.S. agents or distributors for, certain ground fault circuit interrupters and products containing the same that infringe one or more of claims 1 and 7 of U.S. Patent No. 5,594,398; claims 14 and 18 of U.S. Patent No. 7,283,340; and claim 52 of U.S. Patent No. 7,154,718, in violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

**I.**

**Definitions**

As used in this Order:

(A) "Commission" shall mean the United States International Trade Commission.

(B) "P & S" or "Complainants" shall mean Pass & Seymour, Inc. of 50

Boyd Avenue, Syracuse, New York 13209.

(C) “TDE” or “Respondent” shall mean The Designer’s Edge of 11730 NE 12th Street, Bellevue, Washington 98005.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity or its majority owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean certain ground fault circuit interrupters and products containing the same that infringe one or more of claims 1 and 7 of U.S. Patent No. 5,594,398 (“the ‘398 patent”); claims 14 and 18 of U.S. Patent No. 7,283,340 (“the ‘340 patent”); and claim 52 of U.S. Patent No. 7,154,718 (“the ‘718 patent”).

## II.

### **Applicability**

The provisions of this Cease and Desist Order shall apply to Respondents and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with,

or otherwise on behalf of Respondent.

### **III.**

#### **Conduct Prohibited**

The following conduct of Respondent in the United States is prohibited by the Order. For the remaining term of the respective patents, Respondent shall not:

- (A) import or sell for importation into the United States covered products;
- (B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation), in the United States imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

### **IV.**

#### **Conduct Permitted**

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, the owner of the '398, '340, and '718 patents licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States.

**V.****Reporting**

For purposes of this reporting requirement, the reporting periods shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date of issuance of this Order through June 30, 2009. This reporting requirement shall continue in force until such time as Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of covered products that Respondent has imported or sold in the United States after importation during the reporting period and the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

**VI.****Record-keeping and Inspection**

(A) For the purpose of securing compliance with this Order, Respondent



shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order and for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission, upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary form as are required to be retained by subparagraph VI(A) of this Order.

## **VII.**

### **Service of Cease and Desist Order**

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII (A) of this Order, a copy of the Order upon each

successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the date of expiration of the '398, '340, or '718 patent, whichever is later.

### **VIII.**

#### **Confidentiality**

Any request for confidential treatment of information obtained by the Commission pursuant to Sections V and VI of this Order should be in accordance with Commission Rule 201.6, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

### **IX.**

#### **Enforcement**

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this

Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## **X.**

### **Modification**

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## **XI.**

### **Bonding**

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative as delegated by the President, 70 *Fed Reg* 43251 (July 21, 2005), subject to Respondent posting a bond of in the amount of 100% of the entered value for infringing ground fault circuit interrupters and products containing the same. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this order are subject to the entry bond as set forth in the limited exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. *See* Commission Rule 210.68, 19 C.F.R.

§ 210.68. The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the United States Trade Representative approves, or does not disapprove within the review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved, or not disapproved, by the United States Trade Representative, upon service on Respondent of an order issued by the Commission based upon application therefore made by Respondent to the Commission.

By Order of the Commission.

A handwritten signature in black ink, appearing to read "Marilyn R. Abbott", with a stylized, cursive script.

Marilyn R. Abbott  
Secretary to the Commission

Issued: March 9, 2009

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

**In the Matter of**

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

**Inv. No. 337-TA-615**

**ORDER TO CEASE AND DESIST**

IT IS HEREBY ORDERED THAT Cheetah USA Corp. ("Cheetah") of Sandy, Utah, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), and soliciting U.S. agents or distributors for, certain ground fault circuit interrupters and products containing the same that infringe one or more of claims 1, 7, and 8 of U.S. Patent No. 5,594,398; claims 14, 18, and 30 of U.S. Patent No. 7,283,340; and claims 1 and 15 of U.S. Patent No. 7,164,564, in violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

**I.**

**Definitions**

As used in this Order:

(A) "Commission" shall mean the United States International Trade Commission.

(B) "P & S" or "Complainants" shall mean Pass & Seymour, Inc. of 50

Boyd Avenue, Syracuse, New York 13209.

(C) “Cheetah” or “Respondent” shall mean Cheetah USA Corp. of 9091 Sandy Parkway, Sandy, Utah 84070.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity or its majority owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean certain ground fault circuit interrupters and products containing the same that infringe one or more of claims 1, 7, and 8 of U.S. Patent No. 5,594,398 (“the ‘398 patent”); claims 14, 18, and 30 of U.S. Patent No. 7,283,340 (“the ‘340 patent”); and claims 1 and 15 of U.S. Patent No. 7,164,564 (“the ‘564 patent”).

## II.

### **Applicability**

The provisions of this Cease and Desist Order shall apply to Respondents and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with,

or otherwise on behalf of Respondent.

### **III.**

#### **Conduct Prohibited**

The following conduct of Respondent in the United States is prohibited by the Order. For the remaining term of the respective patents, Respondent shall not:

- (A) import or sell for importation into the United States covered products;
- (B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation), in the United States imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

### **IV.**

#### **Conduct Permitted**

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, the owner of the '398, '340, and '564 patents licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States.

**V.****Reporting**

For purposes of this reporting requirement, the reporting periods shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date of issuance of this Order through June 30, 2009. This reporting requirement shall continue in force until such time as Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of covered products that Respondent has imported or sold in the United States after importation during the reporting period and the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

**VI.****Record-keeping and Inspection**

(A) For the purpose of securing compliance with this Order, Respondent



shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order and for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission, upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary form as are required to be retained by subparagraph VI(A) of this Order.

## **VII.**

### **Service of Cease and Desist Order**

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII (A) of this Order, a copy of the Order upon each

successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the date of expiration of the '398, '340, or '564 patent, whichever is later.

## **VIII.**

### **Confidentiality**

Any request for confidential treatment of information obtained by the Commission pursuant to Sections V and VI of this Order should be in accordance with Commission Rule 201.6, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## **IX.**

### **Enforcement**

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this

Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## **X.**

### **Modification**

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## **XI.**

### **Bonding**

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative as delegated by the President, *70 Fed Reg* 43251 (July 21, 2005), subject to Respondent posting a bond of in the amount of 100% of the entered value for infringing ground fault circuit interrupters and products containing the same. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this order are subject to the entry bond as set forth in the limited exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. *See* Commission Rule 210.68, 19 C.F.R.

§ 210.68. The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the United States Trade Representative approves, or does not disapprove within the review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved, or not disapproved, by the United States Trade Representative, upon service on Respondent of an order issued by the Commission based upon application therefore made by Respondent to the Commission.

By Order of the Commission.

A handwritten signature in black ink, appearing to read "Marilyn R. Abbott", is written over a horizontal line.

Marilyn R. Abbott  
Secretary to the Commission

Issued: March 9, 2009

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

**In the Matter of**

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

**Inv. No. 337-TA-615**

**ORDER TO CEASE AND DESIST**

IT IS HEREBY ORDERED THAT Colacino Electric Supply, Inc. of Newark, New York ("Colacino"), cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), and soliciting U.S. agents or distributors for, certain ground fault circuit interrupters and products containing the same that infringe one or more of claims 1, 7, and 8 of U.S. Patent No. 5,594,398; claims 14, 18, and 30 of U.S. Patent No. 7,283,340; and claims 1 and 15 of U.S. Patent No. 7,164,564, in violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

**I.**

**Definitions**

As used in this Order:

(A) "Commission" shall mean the United States International Trade Commission.

(B) "P & S" or "Complainants" shall mean Pass & Seymour, Inc. of 50

Boyd Avenue, Syracuse, New York 13209.

(C) “Colacino ” or “Respondent” shall mean Colacino Electric Supply, Inc., 319 West Union Street, Newark, New York 14513.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity or its majority owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean certain ground fault circuit interrupters and products containing the same that infringe one or more of claims 1, 7, and 8 of U.S. Patent No. 5,594,398 (“the ‘398 patent”); claims 14, 18, and 30 of U.S. Patent No. 7,283,340 (“the ‘340 patent”); and claims 1 and 15 of U.S. Patent No. 7,164,564 (“the ‘564 patent”).

## II.

### **Applicability**

The provisions of this Cease and Desist Order shall apply to Respondents and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with,

or otherwise on behalf of Respondent.

### **III.**

#### **Conduct Prohibited**

The following conduct of Respondent in the United States is prohibited by the Order. For the remaining term of the respective patents, Respondent shall not:

- (A) import or sell for importation into the United States covered products;
- (B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation), in the United States imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

### **IV.**

#### **Conduct Permitted**

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, the owner of the '398, '340, and '564 patents licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States.

**V.****Reporting**

For purposes of this reporting requirement, the reporting periods shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date of issuance of this Order through June 30, 2009. This reporting requirement shall continue in force until such time as Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of covered products that Respondent has imported or sold in the United States after importation during the reporting period and the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

**VI.****Record-keeping and Inspection**

(A) For the purpose of securing compliance with this Order, Respondent



shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order and for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission, upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary form as are required to be retained by subparagraph VI(A) of this Order.

## **VII.**

### **Service of Cease and Desist Order**

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII (A) of this Order, a copy of the Order upon each

successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the date of expiration of the '398, '340, or '564 patent, whichever is later.

## **VIII.**

### **Confidentiality**

Any request for confidential treatment of information obtained by the Commission pursuant to Sections V and VI of this Order should be in accordance with Commission Rule 201.6, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## **IX.**

### **Enforcement**

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this

Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## **X.**

### **Modification**

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## **XI.**

### **Bonding**

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative as delegated by the President, 70 *Fed Reg* 43251 (July 21, 2005), subject to Respondent posting a bond of in the amount of 100% of the entered value for infringing ground fault circuit interrupters and products containing the same. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this order are subject to the entry bond as set forth in the limited exclusion order issued by the Commission, and are not subject to this bond provision.

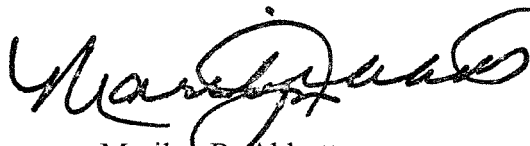
The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. *See* Commission Rule 210.68, 19 C.F.R.

§ 210.68. The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the United States Trade Representative approves, or does not disapprove within the review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved, or not disapproved, by the United States Trade Representative, upon service on Respondent of an order issued by the Commission based upon application therefore made by Respondent to the Commission.

By Order of the Commission.

A handwritten signature in black ink, appearing to read 'Marilyn R. Abbott', with a stylized, cursive script.

Marilyn R. Abbott  
Secretary to the Commission

Issued: March 9, 2009

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

**337-TA-615**

**PUBLIC CERTIFICATE OF SERVICE**

I, Marilyn R. Abbott, hereby certify that the attached **NOTICE OF COMMISSION  
FINAL DETERMINATION OF VIOLATION OF SECTION 337;  
TERMINATION OF INVESTIGATION; ISSUANCE OF LIMITED EXCLUSION  
ORDER AND CEASE-AND-DESIST ORDERS** has been served by hand upon the  
Commission Investigative Attorney, Bryan Moore, Esq., and the following parties as  
indicated, on MAR 09 2009.



Marilyn R. Abbott, Secretary  
U.S. International Trade Commission  
500 E Street, SW  
Washington, DC 20436

**ON BEHALF OF COMPLAINANT PASS &  
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