

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN LIGHT-EMITTING DIODE
PRODUCTS, SYSTEMS, AND
COMPONENTS (II)**

Investigation No. 337-TA-1164

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION (ORDER NO. 9) TERMINATING THE INVESTIGATION IN PART
BY WITHDRAWING THE COMPLAINT AND FALSE ADVERTISING CLAIMS WITH
RESPECT TO CERTAIN RESPONDENTS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined not to review an initial determination (“ID”) (Order No. 9) terminating the investigation in part by withdrawing the complaint and withdrawing the false advertising allegations against certain respondents.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2382. 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 SW, Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s Electronic Docket Information System (“EDIS”) (<https://edis.usitc.gov>). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: On June 25, 2019, the Commission instituted this investigation based on a complaint, as amended and supplemented, by Lighting Science Group Corp. of Cocoa Beach, Florida; Healtel, Inc. of Cocoa Beach, Florida; and Global Value Lighting LLC of West Warwick, Rhode Island (collectively “Complainants”). 84 FR 29879-80 (June 25, 2019). The amended complaint alleges violations of 19 U.S.C. § 1337, as amended (“Section 337”), based upon the importation into the United States, sale for importation, and sale in the United States after importation of certain light-emitting diode products, systems, and components thereof by reason of infringement of certain asserted claims of U.S. Patent Nos.

7,098,483; 7,095,053; 8,506,118; 7,528,421; 8,674,608; 8,201,968; and 8,967,844. *Id.* The amended complaint also alleges violations of Section 337 based upon false advertising that threatens to destroy or substantially injure an industry in the United States. *Id.* The amended complaint further alleges the existence of a domestic industry. *Id.* The notice of investigation named eight (8) respondents, discussed below. *Id.* The Office of Unfair Import Investigations (“OUII”) was also named as a party to the investigation. *Id.* at 29879-80.

On October 7, 2019, the presiding administrative law judge (“ALJ”) issued an ID (Order No. 7) terminating respondents General Electric Co. (“General Electric”) of Boston, Massachusetts and Consumer Lighting (U.S.) (“Consumer Lighting”) LLC of Cleveland, Ohio with respect to a particular class of accused products (“the 25037 SKU bearing the Energy Star Logo”) based on consent orders and consent order stipulations. Order No. 7 (Oct. 7, 2019). The Commission did not review the ID. Comm’n Notice (Oct. 30, 2019).

On October 9, 2019, Complainants moved to partially terminate the investigation by withdrawing the complaint with respect to respondents Acuity Brands, Inc. of Atlanta, Georgia; Acuity Brands Lighting, Inc. of Conyers, Georgia (collectively, “the Acuity Respondents”); General Electric Company (“General Electric”) of Boston, Massachusetts; Consumer Lighting (U.S.), LLC (“Consumer Lighting”) of Cleveland, Ohio; Signify N.V. of Eindhoven, Netherlands; and Signify North America Corp. of Somerset, New Jersey (collectively, “the Signify Respondents”). Complainants also moved to withdraw the false advertising allegations with respect to respondents Leedarson America, Inc. of Smyrna, Georgia; Leedarson Lighting Co. of Xiamen, China (collectively “the Leedarson Respondents”); General Electric; and Consumer Lighting. OUII supported the motion. No respondent opposed the motion.

On November 6, 2019, the ALJ issued the subject ID (Order No. 9) granting the motion to terminate the investigation in part by withdrawing the complaint with respect to the Acuity Respondents, General Electric, Consumer Lighting, and the Signify Respondents, and further withdrawing the false advertising allegations with respect to the Leedarson Respondents, General Electric, and Consumer Lighting. *Id.* No party petitioned for review of the subject ID.

The Commission has determined not to review the subject ID and to terminate the investigation in part.

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 CFR part 210).

By order of the Commission.

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

Lisa R. Barton
Secretary to the Commission

Issued: December 2, 2019