

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN FILAMENT LIGHT-EMITTING
DIODES AND PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-1172

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION IN PART
AS TO RESPONDENT BED BATH & BEYOND INC. BASED ON A SETTLEMENT
AGREEMENT**

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 an initial determination (“ID”) (Order No. 10) of the presiding administrative law judge (“ALJ”) granting complainant’s and respondent Bed Bath & Beyond Inc.’s (“BBB”) joint motion to terminate the investigation in part as to BBB based on a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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 <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on September 4, 2019, based on a complaint filed by The Regents of the University of California, of Oakland, California (“the University of California”). 84 *Fed. Reg.* 46564, 46564 (Sept. 4, 2019). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), in the importation into the United States, in the sale for importation, or the sale within the United States after importation of certain filament light-emitting diodes and products containing same, by reason of the infringement of certain claims of U.S. Patent Nos. 7,781,789

("the '789 patent"); 9,240,529; 9,859,464; and 10,217,916. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation names as respondents Amazon.com, Inc. and Amazon.com Services, Inc., both of Seattle, Washington; BBB of Union, New Jersey; IKEA of Sweden AB of Almhult, Sweden; IKEA Supply AG of Pratteln, Switzerland; IKEA Distribution Services Inc. and IKEA North America Services, LLC, both of Conshohocken, Pennsylvania; Target Corporation of Minneapolis, Minnesota; and Walmart Inc. of Bentonville, Arkansas. *Id.* The Office of Unfair Import Investigations was also named as a party. *Id.* The following asserted patent claims were previously terminated from the investigation: claims 5 and 33 of the '789 patent. Order No. 7 (Dec. 3, 2019), *not reviewed by Comm'n Notice* (Dec. 20, 2019).

On December 30, 2019, the University of California and BBB jointly moved to terminate the investigation in part, under 19 CFR 210.21(a), as to BBB based on a settlement agreement between the parties. On January 9, 2020, the Commission investigative attorney filed a response in support of the motion.

On January 27, 2020, the ALJ issued the subject ID granting the motion. The ID finds that the motion complies with Commission Rules, and "does not find any evidence that terminating this investigation as to BBB based on the settlement agreement would be contrary to the public interest." ID at 2-3. No petitions for review of the 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 CFR part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: February 25, 2020