

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

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

Inv. No. 337-TA-1172

NOTICE OF INSTITUTION OF INVESTIGATION

Institution of Investigation Pursuant to 19 U.S.C.1337

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 30, 2019, under section 337 of the Tariff Act of 1930, as amended, on behalf of The Regents of the University of California of Oakland, California. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain filament light-emitting diodes and products containing same by reason of infringement of certain U.S. Patent No. 7,781,789 (“the ’789 patent”); U.S. Patent No. 9,240,529 (“the ’529 patent”); U.S. Patent No. 9,859,464 (“the ’464 patent”); and U.S. Patent No. 10,217,916 (“the ’916 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order, and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (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>.

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

SUPPLEMENTARY INFORMATION:

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10 (2018).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on August 28, 2019, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 3, 5, 9, 12, 13, 15, 18, 28, 31, 33, 37, 40, 41, 43, 47, and 56 of the '789 patent; claims 1, 3, 4, 6, 8–10, 12, 13, 15, 16, 18, 20, 21, and 24 of the '529 patent; claims 1, 2, 4, 5, 7–12, 14, 15, and 17–20 of the '464 patent; and claims 1, 5–9, 13, 14, 18–22, and 26 of the '916 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "light bulbs containing filament LEDs and lighting products containing light bulbs containing filament LEDs";

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

The Regents of the University of California
1111 Franklin Street
Oakland, CA 94607

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Amazon.com, Inc.
410 Terry Avenue North
Seattle, WA 98258

Amazon.com Services, Inc.
410 Terry Avenue North

Seattle, WA 98109

Bed Bath & Beyond Inc.
650 Liberty Avenue
Union, NJ 07083

IKEA of Sweden AB
Tulpanvagen 8
Almhult 343 34
Sweden

IKEA Supply AG
Grüssenweg 15
CH-4133 Pratteln
Switzerland

IKEA Distribution Services Inc.
420 Alan Wood Road
Conshohocken, PA 19428

IKEA North America Services, LLC
420 Alan Wood Road
Conshohocken, PA 19428

Target Corporation
1000 Nicollet Mall
Minneapolis, MN 55403

Walmart Inc.
702 SW 8th Street
Bentonville, AR 72716

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.13. Pursuant to 19 C.F.R. 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

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 28, 2019