

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

**In the Matter of**

**CERTAIN LIGHT-EMITTING DIODE  
PRODUCTS, FIXTURES, AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-1213**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL  
DETERMINATION TERMINATING THE INVESTIGATION AS TO CERTAIN  
PATENT CLAIMS**

**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. 25) of the presiding administrative law judge (“ALJ”), terminating the investigation as to certain claims of U.S. Patent Nos. 8,777,449 (“the ’449 patent”); 9,261,270 (“the ’270 patent”); and 9,476,570 (“the ’570 patent”).

**FOR FURTHER INFORMATION CONTACT:** Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, D.C. 20436, telephone (202) 205-3179. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov). General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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 August 17, 2020, the Commission instituted this investigation based on a complaint filed by Ideal Industries Lighting LLC d/b/a Cree Lighting (“Cree Lighting”) of Durham, North Carolina. 85 FR 50047-48 (Aug. 17, 2020). The complaint, as amended, alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain light-emitting diode products, fixtures, and components thereof by reason of infringement of certain claims of the ’449, ’270, and ’570 patents and U.S. Patent Nos. 8,403,531 and 8,596,819. *Id.*; *see also* Order No. 13 (Jan. 8,

2021), *unreviewed by* 86 FR 7559 (Jan. 29, 2021). The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation named RAB Lighting Inc. of Northvale, New Jersey as the sole respondent. *Id.* The Office of Unfair Import Investigations is not participating in the investigation. *Id.*

On May 5, 2021, Cree Lighting filed an unopposed motion to terminate the investigation as to: (1) claims 1-9 and 11-14 of the '449 patent; (2) claims 3-12 of the '270 patent; and (3) claims 2, 6-9, and 11-24 of the '570 patent (collectively, the "Withdrawn Claims").

On the same date, the ALJ issued the subject ID (Order No. 25) granting Cree Lighting's motion for partial termination as to the Withdrawn Claims. The ID finds that the motion for termination satisfies Commission Rule 210.21(a)(1) (19 CFR 210.21(a)(1)), and that no extraordinary circumstances exist that would prevent the requested partial termination. No party petitioned for review of the ID.

The Commission has determined not to review the ID. The Commission has terminated the following claims from the investigation: (1) claims 1-9 and 11-14 of the '449 patent; (2) claims 3-12 of the '270 patent; and (3) claims 2, 6-9, and 11-24 of the '570 patent.

The Commission vote for this determination took place on May 21, 2021.

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: May 21, 2021