

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

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

Investigation No. 337-TA-947

**NOTICE OF COMMISSION DETERMINATION DENYING RESPONDENTS' MOTION
FOR INCREASED PAGE LIMITS FOR PETITIONS FOR REVIEW OF THE FINAL
INITIAL DETERMINATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to deny Respondents' motion requesting an increase in the page limits applicable to petitions for review of the final initial determination ("ID") issued by the presiding administrative law judge ("ALJ") on July 29, 2016.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2392. 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: The Commission instituted this investigation on February 18, 2015, based on a complaint filed by Cree, Inc. of Durham, North Carolina ("Cree"). 80 Fed. Reg. 8685-86 (Feb. 18, 2015). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 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 light-emitting diode products and components thereof by reason of infringement of certain claims of United States Patent Nos. 6,657,236; 6,885,036; 6,614,056; 7,312,474; 7,976,187; 8,766,298; 8,596,819; and 8,628,214. The notice of investigation named the following entities as respondents: Feit Electric

Company, Inc. of Pico Rivera, California; Feit Electric Company, Inc. of Xiamen, China; Unity Opto Technology Co., Ltd. of New Taipei City, Taiwan; and Unity Microelectronics, Inc. of Plano, Texas (together, “Respondents”). The Office of Unfair Import Investigations (OUII) is also a party to the investigation.

On August 1, 2016, Respondents filed a motion requesting that the Commission allow the parties to increase the page limits applicable to petitions for review and responses thereto under Commission Rule 210.43(b)(2) and (c) by fifty pages in order to address all relevant issues in the final initial determination issued in this investigation on July 29, 2016. Respondents assert the extra pages are necessary due to the “unusually large scope of this investigation,” specifically, six asserted patents and a false advertising claim, numerous accused products, and discovery-related and domestic industry issues. Motion at 1. Respondents also requested that any responses to this motion be due no later than August 3, 2016.

On August 3, 2016, the Commission issued a notice requiring Cree and OUII to submit their responses by the next day. Cree and OUII filed oppositions to the motion on August 3, 2016. OUII noted that the Commission carefully considered concerns that some complex investigations have IDs which would be too lengthy to address in a 100-page petition for review when it promulgated the 100-page limit rule on August 6, 2008. OUII Response at 2; 73 *Fed. Reg.* 38316 (July 7, 2008). The Commission declined to alter the page limit in view of the Federal Circuit’s page limitations and its belief that the page limits would increase the quality of analysis by encouraging parties to focus on what they perceive to be reversible errors. OUII Response at 2. Cree states that this investigation is commensurate in scope with many other investigations, and the parties were able to file petitions for review in compliance with the 100-page limit in those investigations. Cree Response at 1-2. Cree argues that granting Respondents’ request would prejudice both Cree and the Commission, and set a precedent for parties to make similar requests in nearly every investigation. *Id.* at 3.

In view of the parties’ submissions, the Commission has determined to deny the motion. Respondents have not provided a sufficiently detailed justification to establish good cause for the Commission to depart from the 100-page limit for petitions for review of the final ID in this investigation under Rule 210.43(b)(2) and (c).

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 C.F.R. Part 210.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: August 8, 2016