

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 TERMINATING THE INVESTIGATION WITH RESPECT TO A
WITHDRAWN PATENT CLAIM**

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. 11) terminating the investigation in part based on withdrawal of one of the asserted patent claims.

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; Healthe, Inc. of Cocoa Beach, Florida; and Global Value Lighting LLC of West Warwick, Rhode Island (collectively “LSG”). 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 (“the ’968 patent”); 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. *Id.* The Office of Unfair Import Investigations (“OUII”) was also named as a party to the investigation. *Id.* at 29879-80.

The Commission has previously terminated the investigation with respect to certain parties, accused products, and the false advertising claim. *See* Order No. 7 (Oct. 7, 2019), *not rev’d*, Comm’n Notice (Oct. 30, 2019); Order No. 9 (Nov. 6, 2019), *not rev’d*, Comm’n Notice (Dec. 2, 2019).

On January 16, 2020, the presiding administrative law judge (“ALJ”) issued the subject ID (Order No. 11), pursuant to Commission Rule 20.21(a) (19 CFR 210.21(a)), granting LSG’s unopposed motion to partially terminate the investigation by withdrawing claim 7 of the ’968 patent. Order No. 11 at 1 (Jan. 16, 2020). The ID finds no extraordinary circumstances that warrant denying the motion, while LSG asserted there are no other agreements, written or oral, express or implied, between the parties concerning the subject matter of the investigation. *Id.* at 2. OUII supported the motion, and no respondent opposed it. *Id.* at 1. No party petitioned for review of the subject ID.

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 11, 2020