

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 (ORDER NO. 7) TERMINATING THE INVESTIGATION IN PART
WITH RESPECT TO RESPONDENTS GENERAL ELECTRIC COMPANY AND
CONSUMER LIGHTING, LLC BASED ON CONSENT ORDERS**

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. 7) terminating the investigation in part with respect to Respondents General Electric Company and Consumer Lighting (U.S.), LLC (collectively, “Movants”) based on consent orders.

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, Commission instituted the present investigation based on a complaint filed 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 “Complainants”). 84 FR 29879 (June 25, 2019). Complainants filed an amended complaint on May 20, 2019, and a supplement thereto on June 11, 2019. *Id.* The complaint, as amended, 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, and 8,967,844. *Id.* The complaint, as amended, also alleges violations of Section 337 based on the importation and sale of accused products by reason of false advertising, which purportedly threatens to destroy or substantially injury an injury in the United States. *Id.* The complaint further alleges the existence of a domestic industry. *Id.* The notice of investigation named eight (8) respondents, including General Electric Company of Boston, Massachusetts, and Consumer Lighting (U.S.), LLC of Cleveland, Ohio. *Id.* The Office of Unfair Import Investigations (“OUII”) was also named as a party to the investigation. *Id.* at 29879-80.

On September 11, 2019, Movants moved to terminate the investigation in part based on a consent order and consent order stipulation because they no longer import the accused products and have no appreciable domestic inventories. On September 19, 2019, OUII filed a response in support of the motion. Complainants did not oppose it.

On October 7, 2019, the presiding administrative law judge (“ALJ”) issued the subject ID (Order No. 7) granting Movants’ motion to terminate the investigation in part. Order No. 7 (Oct. 7, 2019). The ALJ found that the motion, consent order stipulation, and proposed consent orders comply with the requirements of 19 CFR 210.21(c), and termination of the investigation with respect to Movants’ accused products is not contrary to the public interest. *See id.* at 2-4. No party petitioned for review of the subject ID.

The Commission has determined not to review the subject ID, to issue the consent orders, and to terminate the investigation in part.

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: October 30, 2019