

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

In the Matter of

**CERTAIN ELECTRONIC CANDLE
PRODUCTS AND COMPONENTS
THEREOF**

Inv. No. 337-TA-1195

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO THE TONGFANG
RESPONDENTS BASED ON CONSENT ORDER; ISSUANCE OF CONSENT ORDER**

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. 7) issued by the presiding administrative law judge (“ALJ”) granting a motion to terminate the investigation with respect to respondents Shenzhen Tongfang Optoelectronic Technology Co., Ltd.; TFL Candles; Guangdong Tongfang Lighting Co., Ltd.; and Tongfang Optoelectric Company (the “Tongfang Respondents”) based on the entry of a stipulated consent order. The Commission has determined to issue a consent order.

FOR FURTHER INFORMATION CONTACT: Benjamin S. Richards, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 708-5453. 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. 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 on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on April 6, 2020, based on a complaint, as supplemented, filed by L&L Candle Company LLC of Brea, California, and Sotera Tschetter, Inc. of St. Paul, Minnesota. 85 FR 19158 (Apr. 6, 2020). The amended complaint alleges 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 electronic candle products and components thereof by reason of infringement of certain claims of United States Patent Nos. 8,550,660,

9,366,402 (“the ’402 patent”), 9,512,971, 9,523,471 (“the ’471 patent”), and 10,533,718.¹ *Id.* The complaint further alleges that an industry in the United States exists. *Id.* The Commission’s notice of investigation named twenty-two respondents, including the Tongfang Respondents. *Id.* at 19159. The Office of Unfair Import Investigations is participating in this investigation. *Id.*

On April 21, 2020, the Tongfang Respondents filed a motion to terminate the investigation with respect to the Tongfang Respondents based upon their stipulation to entry of a consent order. The Tongfang Respondents provided a consent order stipulation and a proposed consent order with their motion. No party opposed the motion.

On May 4, 2020, the ALJ issued the subject ID, granting the motion and terminating the investigation based on the entry of a consent order. The ALJ found that the consent order stipulation and proposed consent order complied with Commission Rule 210.21(c)(3) and (4) (19 CFR 210.21(c)(3) and (4)). The ALJ also found no public interest concerns that would weigh against termination of the Tongfang Respondents pursuant to the Consent Order. No petitions for review of the ID were received.

The Commission has determined not to review the subject ID and has determined to issue a consent order.

The Tongfang Respondents are hereby terminated from the investigation based on the consent order.

The Commission vote for this determination took place on June 3, 2020.

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: June 3, 2020

¹ The Tongfang Respondents’ products are accused of infringing only the ’402 and ’471 patents. Compl., ¶ 177.