

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

**In the Matter of**

**CERTAIN ELECTRONIC CANDLE  
PRODUCTS AND COMPONENTS  
THEREOF**

**Investigation No. 337-TA-1195**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW  
AN INITIAL DETERMINATION EXTENDING THE TARGET  
DATE FOR THE COMPLETION OF THE INVESTIGATION**

**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. 45) issued by the presiding Chief Administrative Law Judge (“ALJ”), extending the target date for the completion of the investigation to April 29, 2022.

**FOR FURTHER INFORMATION CONTACT:** Robert Needham, 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 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 on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on April 6, 2020, based on a complaint filed by complainants L&L Candle Company LLC of Brea, California, and Sotera Tschetter, Inc. of St. Paul, Minnesota (together, “Complainants”). 85 FR 19158-59 (Apr. 6, 2020). The complaint alleged violations of section 337 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 U.S. Patent Nos. 8,550,660; 9,366,402; 9,512,971; 9,523,471; and 10,533,718. *Id.* The notice of investigation named twenty-two respondents, including Veraflame International, Inc. of Vancouver, Canada; Ningbo Mascube Import Export Company of Ningbo City, China; Ningbo Shanhuang Electric Appliance Co. of Ningbo City, China; Yiwu Shengda Art Co., Ltd. of Yiwu City, China; and Virtual Candles Limited of Kent, United Kingdom (collectively, “the Defaulting Respondents”). *Id.* at 19159. The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *Id.*

The Commission found the Defaulting Respondents in default for failing to respond to the complaint and notice of investigation and for failing to show cause why they had not done so, or for failing to participate in discovery. The Commission terminated the investigation with respect to all other respondents based on consent orders, settlement, partial withdrawal of the complaint, and for a failure to establish the importation requirement.

On November 13, 2020, Complainants moved for a summary determination of violation against the Defaulting Respondents. The presiding ALJ granted the motion as an ID on April 2, 2021. Order No. 41 (Apr. 2, 2021).

On May 19, 2021, the Commission determined on its own motion to review the ID's finding that Complainants satisfied the economic prong of the domestic industry requirement. 86 FR 28143-46 (May 25, 2021). On August 13, 2021, the Commission remanded the investigation to an ALJ for further proceedings on whether Complainants satisfied the economic prong of the domestic industry requirement.

The remand proceeding was assigned to the CALJ, who ordered the parties to file a joint submission on the specifics of the remand proceeding. *See* Order No. 42 (Aug. 18, 2021). On August 31, 2021, Complainants and OUII filed a joint submission indicating that a live hearing is unlikely to be necessary on remand, but that the parties had not reached agreement on a procedural schedule. On the same date, Complainants filed a motion to submit supplemental evidence, and proposed a procedural schedule and target date for the remand proceedings

On September 16, 2021, the CALJ issued the subject ID, extending the target date for the completion of the investigation to April 29, 2022, and setting the deadline for the remand initial determination as December 29, 2021. This ID moots Order No. 43. No party petitioned for review of the subject ID.

The Commission has determined not to review the subject ID. The target date is set for April 29, 2022, and the remand initial determination is due by December 29, 2021.

The Commission vote for this determination took place on September 20, 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: September 20, 2021