

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN FILAMENT LIGHT-EMITTING
DIODES AND PRODUCTS CONTAINING
SAME (II)**

Investigation No. 337-TA-1220

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN
INITIAL DETERMINATION GRANTING A MOTION TO INTERVENE**

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. 14) of the presiding administrative law judge (“ALJ”) granting a motion to intervene filed by non-party Signify North America Corp. (“Signify”).

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. 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: On October 5, 2020, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by The Regents of the University of California (“Complainant”). *See* 85 FR 62761-62 (Oct. 5, 2020). The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain filament light-emitting diodes and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 9,240,529; 9,859,464; 10,593,854; 10,644,213; and 10,658,557. *See id.* The notice of investigation names the following respondents: General Electric Company of Boston, Massachusetts; Consumer Lighting (U.S.) LLC, d/b/a GE Lighting of Cleveland, Ohio; Savant Systems, Inc. of Hyannis, Massachusetts; Home Depot Product Authority, LLC; Home Depot U.S.A., Inc.; and The Home Depot, Inc. of Atlanta, Georgia; Feit Electric Company, Inc. of Pico Rivera, California; Satco Products, Inc. of Brentwood, New York; IKEA Supply AG of Pratteln, Switzerland; IKEA U.S. Retail LLC of Conshohocken, Pennsylvania; and IKEA of Sweden AB

of Almhult, Sweden. *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

On October 26, 2020, Signify filed a motion to intervene in this investigation pursuant to Commission Rule 210.19 (19 CFR 210.19). Signify argued that its motion is timely and that “[i]ntervention is necessary so that Signify may properly defend its LED products that are alleged to be imported and/or sold after importation by the Home Depot Respondents.” *See Mot.* at 1. No party opposed the motion to intervene except that Complainant argued that Signify should not be allowed to intervene as to the issue of domestic industry because Signify’s interests on that issue are adequately represented by the existing parties. *See Complainant’s Resp.* at 3 (Nov. 2, 2020). On November 2, 2020, OUII filed a response in support of the motion to intervene.

On November 5, 2020, the ALJ issued the subject ID (Order No. 14) granting Signify's motion to intervene. The ID notes that “[n]o party disputes that Signify should be allowed to intervene.” *See ID* at 2. The ID finds that “Signify may fully participate as a party in the investigation, including with respect to all claims and defenses at issue in the investigation.” *See id.* No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. Signify is an intervenor in this investigation.

The Commission’s vote for this determination took place on November 30, 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: November 30, 2020