UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

In the Matter of **CERTAIN GROUND FAULT CIRCUIT INTERRUPTERS AND PRODUCTS CONTAINING SAME**	**Inv. No. 337-TA-739**

NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL DETERMINATION GRANTING A MOTION TO TERMINATE THE ENFORCEMENT PROCEEDING AS TO RESPONDENT AMERICAN ACE SUPPLY, INC. BASED ON A SETTLEMENT AGREEMENT

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. 74) granting a motion to terminate the enforcement proceeding as to respondent American Ace Supply, Inc. based on a settlement agreement in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Clark S. Cheney, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 205-2661. Copies of all nonconfidential 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, D.C. 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov).* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at http://edis.usitc.gov/. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 8, 2010, based on a complaint filed by Leviton Manufacturing Co., Inc., of Melville, New York ("Leviton"). 75 *Fed. Reg.* 62420 (Oct. 8, 2010). The complaint alleged 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 ground fault circuit interrupters and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 7,463,124 ("the '124 patent"); 7,737,809 ("the '809 patent"); and 7,764,151 ("the '151 patent"). The notice of investigation named numerous respondents, including American Ace Supply, Inc., of San Francisco, California ("American

Ace").

On April 27, 2012, the Commission issued its final determination finding that Leviton had proven a violation of section 337 based on infringement of the '809 patent but had not proven a violation with respect to the '124 and '151 patents. The Commission issued a general exclusion order barring entry of ground fault circuit interrupters that infringe the '809 patent and cease and desist orders against certain respondents, including American Ace.

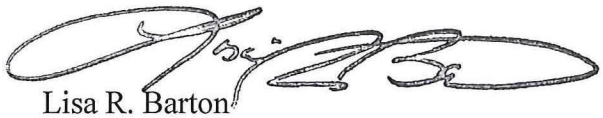
On August 29, 2012, Leviton filed a complaint for enforcement of the Commission's cease and desist orders against American Ace and others. Leviton alleged, *inter alia*, that American Ace sold infringing devices covered by the cease and desist orders. On November 1, 2012, the Commission instituted an enforcement proceeding. 77 *Fed. Reg.* 66080-81 (Nov. 1, 2012).

On December 5, 2012, Leviton and American Ace jointly moved to terminate the investigation as to American Ace based on a settlement agreement. On December 12, 2012, the Investigative Staff filed a response in support of the motion. No other responses were filed. On January 3, 2013, the administrative law judge ("ALJ") issued the subject ID granting the motion pursuant to section 210.21 (b)(1) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.21(b)(1)). The ALJ found that termination of American Ace basedon settlement would not place an undue burden on the public interest. No petitions for review of the subject ID were filed.

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 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton
Acting Secretary to the Commission

Issued: January 29, 2013