

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
(Enforcement Proceeding)

**NOTICE OF COMMISSION DETERMINATION TO REVIEW-IN-PART AN INITIAL
DETERMINATION FINDING CERTAIN RESPONDENTS IN DEFAULT AND TO SET
ASIDE A PORTION OF THAT DETERMINATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review-in-part an initial determination (Order No. 77) finding certain respondents in the above-captioned enforcement proceeding to be in default. The Commission has determined to set aside that portion of the initial determination finding Westside Wholesale Electric & Lighting, Inc.; Westside Electric Wholesale, Inc.; and Westside Wholesale, Inc., all of Bell, California, and/or Los Angeles, California (collectively, "Westside") to be in default because those respondents subsequently have been terminated from the investigation based on settlement.

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, *inter alia*, U.S. Patent No. 7,737,809 (“the ’809 patent”).

On April 27, 2012, the Commission issued a general exclusion order barring entry of ground fault circuit interrupters that infringe certain claims of the ’809 patent. The Commission also entered cease and desist orders against several respondents.

On November 1, 2012, the Commission instituted a proceeding for the enforcement of the Commission’s remedial orders based on a complaint filed by Leviton. 77 *Fed. Reg.* 66080 (Nov. 1, 2012). The named respondents included the following: Westside; Shanghai ELE Manufacturing Corp. of Shanghai, China (“Shanghai ELE”); Shanghai Jia AO Electrical Co., Ltd., of Shanghai, China (“Shanghai Jia AO”); and American Electric Depot Inc., of Fresh Meadows, New York (“American Electric”) (collectively, “respondents at issue”). The Secretary served all of the respondents at issue with a Notice of Institution of Formal Enforcement Proceeding via overnight mail on October 31, 2012. Although none of the notices were returned as undeliverable, none of the respondents at issue answered the complaint or otherwise participated in the investigation.

On January 4, 2013, Leviton filed a motion seeking an order to show cause as to why the respondents at issue should not be held in default. On January 16, 2013, the Commission investigative attorney (“IA”) filed a response supporting entry of an order to show cause. No other responses to the motion were received.

On January 25, 2013, the ALJ issued an order (Order No. 75) for the respondents at issue to show cause by February 6, 2013, as to why they should not be held in default. The respondents at issue were served with the order via first class mail. No copies of the order to show cause were returned as undeliverable and no responses to the order were received. On February 14, 2013, the ALJ issued the subject ID (Order No. 77), finding the respondents at issue in default. No petitions for review of the subject ID were filed.

On March 4, 2013, Leviton filed a motion to terminate the enforcement proceeding with respect to Westside based on a settlement agreement executed by Leviton and Westside. On March 8, 2013, the IA filed a response supporting the motion to terminate. On April 1, 2013, the Commission issued a notice that it had determined to terminate the enforcement proceeding with respect to Westside based on the settlement agreement.

The subject ID found Westside to be in default, but Westside subsequently has been terminated from the enforcement proceeding based on settlement. The Commission therefore has determined to review the portion of the subject ID which found Westside to be in default and to set aside that determination. The Commission has determined not to review the ALJ’s determinations that Shanghai ELE, Shanghai Jia AO, and American Electric are in default. The issue of an appropriate remedy against the defaulting respondents, if any, remains pending before the ALJ.

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.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is fluid and cursive, with the first name "Lisa" being the most prominent part.

Lisa R. Barton
Acting Secretary to the Commission

Issued: April 10, 2013