

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN LED PHOTOGRAPHIC
LIGHTING DEVICES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-804 (Rescission)

**NOTICE OF A COMMISSION DECISION TO INSTITUTE A RESCISSION
PROCEEDING AND GRANT A PETITION FOR RESCISSION OF A SEIZURE AND
FORFEITURE ORDER; RESCISSION OF SEIZURE AND FORFEITURE ORDER;
TERMINATION OF RESCISSION PROCEEDING**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to institute a rescission proceeding in the above-captioned investigation and grant a petition filed by third-party importer Arri, Inc. (“Arri”) of Blauvelt, New York for rescission of a seizure and forfeiture order (“SFO”) previously issued in the investigation. The SFO is rescinded and the rescission proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. 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, telephone 202-205-1810.

SUPPLEMENTARY INFORMATION: On September 7, 2011, the Commission instituted *Certain LED Photographic Lighting Devices and Components Thereof*, Inv. No. 337-TA-804, based on a complaint filed on behalf of Litepanels, Inc. of Van Nuys, California and Litepanels, Ltd. of Suffolk, United Kingdom. 76 FR 55416-17 (Sept. 7, 2011). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), in the importation into the United States, sale for importation, and the sale within the United States after importation of certain LED photographic lighting devices and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 7,429,117 (“the ’117 patent”); 7,510,290 (“the ’290 patent”); 7,972,022; 7,318,652; and 6,948,823. The complaint further

alleged the existence of a domestic industry. The Commission's notice of investigation named numerous respondents. The Office of Unfair Import Investigations was also a party to the investigation. *Id.* The Commission later terminated the investigation with respect to the '117 and '290 patents. The Commission terminated the investigation with respect to several respondents on the basis of settlement agreements or consent orders; other respondents were found in default. On January 17, 2013, the Commission found a violation of section 337 and issued a general exclusion order ("GEO"). 78 FR 5207-08 (Jan. 24, 2013).

On December 19, 2019, the Commission issued an SFO directed to third-party importer Arri upon receiving an exclusion notice from U.S. Customs and Border Protection for attempted importation of LED photographic lighting devices and components thereof covered by the GEO.

On March 5, 2020, Arri filed a petition in the above-identified investigation, requesting rescission of the SFO based on a licensing agreement. The petition failed to include a copy of the licensing agreement as required by Commission Rule 210.76(a)(3), 19 CFR 210.76(a)(3). On April 6, 2020, the Commission denied the request based on this failure to comply with the Commission Rule.

Also, on April 7, 2020, Arri filed a second petition requesting rescission of the SFO and included a copy of the licensing agreement pursuant to the Commission Rule.

Having reviewed the petition and determined that it complies with the Commission's Rules, the Commission has determined to institute a rescission proceeding and to grant Arri's petition. The seizure and forfeiture order issued on December 19, 2019 is hereby rescinded.

The rescission proceeding is terminated.

The Commission vote for this determination took place on May 6, 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: May 6, 2020