

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ELECTRONIC CANDLE
PRODUCTS AND COMPONENTS
THEREOF**

Inv. No. 337-TA-1195

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO THE GERSON
RESPONDENTS BASED ON SETTLEMENT**

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. 12) issued by the presiding administrative law judge (“ALJ”) granting a motion to terminate the investigation with respect to respondents The Gerson Company and Gerson International (H.K.), Ltd. (collectively, the “Gerson Respondents”) based on settlement with complainants L&L Candle Company LLC and Sotera Tschetter, Inc.

FOR FURTHER INFORMATION CONTACT: Benjamin S. Richards, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 708-5453. 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: The Commission instituted this investigation on April 6, 2020, based on a complaint, as supplemented, filed by L&L Candle Company LLC of Brea, California, and Sotera Tschetter, Inc. of St. Paul, Minnesota. 85 FR 19158 (Apr. 6, 2020). The amended complaint alleges 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 electronic candle products and components thereof by reason of infringement of certain claims of United States Patent Nos. 8,550,660, 9,366,402, 9,512,971, 9,523,471, and 10,533,718. *Id.* The complaint further alleges that an industry in the United States exists. *Id.* The Commission’s notice of investigation named twenty-two respondents, including the Gerson Respondents. *Id.* at 19159. The Office of Unfair Import Investigations (“OUII”) is participating in this investigation. *Id.*

On May 28, 2020, the Complainants and the Gerson Respondents filed a joint motion to terminate the investigation with respect to the Gerson Respondents based on a settlement agreement. The motion included copies of a settlement agreement and a distribution agreement between Complainants and the Gerson Respondents. Respondents Sterno Home Inc., Ningbo Huamao International Trading Co., Ltd., Ningbo Langsheng Artware Co., Ltd., Lifetime Brands, Inc., Scott Brothers Entertainment, Inc., Nantong Ya Tai Candle Arts & Crafts Co., Ltd., and Decorware International Inc. filed a partial opposition to the motion, which they later withdrew. OUII filed a response in support of the motion.

On June 15, 2020, the ALJ issued the subject ID, granting the motion and terminating the investigation as to the Gerson Respondents based on settlement. The ALJ found that the requirements of Commission Rule 210.21(b)(1) were satisfied by the parties' submission of the settlement and distribution agreements, and by their statement that there were no other agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation. The ALJ also found no public interest concerns that would weigh against termination of the Gerson Respondents pursuant to the settlement agreement. Finally, the ALJ granted the moving parties' request to limit service of the unredacted distribution agreement. No petitions for review of the ID were received.

The Commission has determined not to review the subject ID.

The Gerson Respondents are hereby terminated from the investigation based on settlement.

The Commission vote for this determination took place on June 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: June 30, 2020