

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN GROUND FAULT CIRCUIT
INTERRUPTERS AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-739

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW TWO INITIAL
DETERMINATIONS FINDING CERTAIN RESPONDENTS IN DEFAULT**

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 two initial determinations (“IDs”) (Order Nos. 37 and 38) issued by the presiding administrative law judge (“ALJ”) finding certain respondents in default.

FOR FURTHER INFORMATION CONTACT: Jia Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-4737. Copies of non-confidential 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, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <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 this 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. (“Leviton”) of Melville, New York. *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 various claims of United States Patent Nos. 7,463,124; 7,737,809; and 7,764,151. The Commission’s notice of investigation named numerous respondents, including respondent W.E. Aubuchon Co., Inc. of Westminister, Massachusetts (“Aubuchon”) and Contractor Lighting and Supply, Inc. of Columbus, Ohio (“Contractor Lighting”).

On February 23, 2011, Leviton moved for an order directing respondent Aubuchon to show cause why it should not be found in default for failure to respond to an order compelling discovery. Leviton further requested entry of an ID finding Aubuchon in default upon its failure to make the requisite showing of such cause. The Commission investigative attorney (“IA”) supported the motion. No other responses were received. On March 15, 2011, the ALJ issued one of the subject IDs (Order No. 37). The ALJ explained that Commission Rule 210.16(a)(2) (19 C.F.R. § 210.16(a)(2)) does not require the allegedly defaulting party to show cause and provides that a party may be found in default as a sanction for failure to make or cooperate in discovery. The ALJ noted that Aubuchon has not only failed to respond to the ALJ’s discovery order, but has also failed to otherwise participate in this investigation. Accordingly, the ALJ found Aubuchon to be in default under Commission Rule 210.16(a)(2). None of the parties petitioned for review of the ID.

On March 8, 2011, Leviton moved for entry of an ID finding respondent Contractor Lighting in default for failure to respond to an order compelling discovery. Again, the IA supported the motion. No other responses were received. On March 21, 2011, the ALJ issued the other subject ID (Order No. 38) granting Leviton’s motion, noting that Contractor Lighting has not only failed to respond to the ALJ’s previous discovery order, but has also failed to otherwise participate in this investigation. Accordingly, the ALJ found Contractor Lighting to be in default under Commission Rule 210.16(a)(2).

The Commission has determined not to review the subject IDs.

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.

/s/
James R. Holbein
Acting Secretary to the Commission

Issued: March 31, 2011