

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC

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 TERMINATE THE  
INVESTIGATION WITH RESPECT TO RESPONDENTS WESTSIDE WHOLESALE  
ELECTRIC & LIGHTING, INC.; WESTSIDE ELECTRIC WHOLESALE, INC.; AND  
WESTSIDE WHOLESALE, INC., BASED ON SETTLEMENT**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has terminated the above-captioned enforcement proceeding with respect to respondents Westside Wholesale Electric & Lighting, Inc.; Westside Electric Wholesale, Inc.; and Westside Wholesale, Inc., 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, including Westside Wholesale Electric & Lighting, Inc.; Westside Electric Wholesale, Inc.; and Westside Wholesale, Inc., all of Bell, California, and/or Los Angeles, California (collectively, “Westside”).

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.* 66080-81 (Nov. 1, 2012). The remaining named respondents in the enforcement proceeding are Westside; Shanghai ELE Manufacturing Corp. of Shanghai, China; Shanghai Jia AO Electrical Co., Ltd., of Shanghai, China; and American Electric Depot Inc., of Fresh Meadows, New York.

On January 4, 2013, Leviton filed a motion seeking an order to show cause as to why Westside and certain other respondents should not be held in default. On February 14, 2013, the presiding administrative law judge (“ALJ”) issued an ID (Order No. 77) finding Westside and certain other respondents in default.

On March 4, 2013, Leviton filed a motion before the ALJ to terminate the enforcement proceeding with respect to Westside based on a settlement agreement executed by Leviton and Westside. On March 5, 2013, the ALJ issued a notice stating that because his ID finding Westside in default was pending before the Commission, he had no jurisdiction to terminate Westside. On March 8, 2013, the Commission investigative attorney (“IA”) filed a response to the motion to terminate Westside. The IA argued that motion should be considered as pending before the Commission and that the motion should be granted.

The Commission has determined that Leviton’s motion to terminate the enforcement proceeding with respect to Westside complies with Commission Rule 210.21 (19 C.F.R. § 210.21). The Commission has further determined that terminating the enforcement proceeding with respect to Westside based on the settlement agreement is not contrary to the public interest. Accordingly, the Commission has determined to grant Leviton’s motion and terminate the enforcement proceeding with respect to Westside.

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', written in a cursive style.

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Lisa R. Barton  
Acting Secretary to the Commission

Issued: April 1, 2013