

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 AN INITIAL
DETERMINATION GRANTING AN UNOPPOSED MOTION FOR
PARTIAL TERMINATION OF THE INVESTIGATION**

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. 45) issued by the presiding administrative law judge (“ALJ”) granting an unopposed motion for partial termination of the investigation with respect to certain patent claims.

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 numerous claims of United States Patent Nos. 7,463,124 (“the ‘124 patent”); 7,737,809 (“the ‘809 patent”); and 7,764,151 (“the ‘151 patent”).

On May 11, 2011, Leviton filed a motion before the ALJ for partial termination of the investigation with respect to claims 5, 7, 14, 17-28, 30-34, 38, 40, 47-59, 61-64, and 74-83 of the

'809 patent, and claims 6 and 32-36 of the '124 patent. Leviton noted in its motion that it did not drop any of the asserted claims of the '151 patent. Leviton asserted that "good cause exists for permitting termination, as the reduction of the number of claims at issue from 100 to 34 will help streamline the presentation of evidence." Respondents and the Commission investigative attorney did not oppose the motion.

On May 12, 2011, the ALJ issued the subject ID granting Leviton's unopposed motion. The ALJ observed that under Commission Rule 210.21(a)(1) (19 C.F.R. § 210.21(a)(1)), the ALJ may grant a motion to terminate the investigation in an initial determination upon such terms and conditions as he deems proper. The ALJ noted that the Commission has held that in the absence of extraordinary circumstances, termination of the investigation will be granted to a complainant during the pre-hearing stage of an investigation, and that public policy supports termination in order to conserve resources. The ALJ found that in the instant investigation, the motion is based on withdrawal of certain allegations in the complaint and that no extraordinary circumstances would prevent the requested termination. No petitions for review were filed.

The Commission has determined not to review the subject ID.

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
Secretary to the Commission

Issued: June 3, 2011