



7020-02

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1081]

Certain LED Lighting Devices, LED Power Supplies, and Components Thereof

Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 21, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of Philips Lighting North America Corp. of Somerset, New Jersey and Philips Lighting Holding B.V. of the Netherlands. Supplements to the complaint were filed on October 6 and 30, 2017. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain LED lighting devices, LED power supplies, and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,586,890 (“the ’890 patent”); U.S. Patent No. 7,038,399 (“the ’399 patent”); U.S. Patent No. 7,256,554 (“the ’554 patent”); U.S. Patent No. 7,262,559 (“the ’559 patent”); and U.S. Patent No. 8,070,328 (“the ’328 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington,

D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: The Office of Docket Services, U.S. International Trade Commission, telephone (202) 205-1802.

SUPPLEMENTARY INFORMATION:

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2017).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on November 2, 2017, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain LED lighting devices, LED power supplies, and components thereof by reason of infringement of one or more of claims 14, 22, and 30 of the '890 patent; claims 1, 2, 4, 5, 7, 8, 17-19, 34, 35, 47, 48, and 58-60 of the '399 patent; claims 1, 2, 5-7, 12, 46, 47, and 49-51 of the '554 patent; claims 6 and 12 of the '559 patent; and claims 1,

2, 4, 7, and 9 of the '328 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Philips Lighting North America Corp.

200 Franklin Square Drive

Somerset, NJ 08873

Philips Lighting Holding B.V.

High Tech Campus 45

Eindhoven, 5656 AE

Netherlands

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Feit Electric Company, Inc.

4901 Gregg Road

Pico Rivera, CA 90660

Edgewell Personal Care Brands, LLC

6 Research Drive

Shelton, CT 06484

Feit Electric Company, Inc. (China)

Zone B, 2/F, Xinyu Building

No. 17 Huoju East Road

Huli District Xiamen

China

Lowe's Companies, Inc.

1000 Lowe's Boulevard

Mooresville, NC 28117

L G Sourcing, Inc.

1605 Curtis Bridge Road

North Wilkesboro, NC 28659

MSi Lighting, Inc.

622 Banyan Trail Suite 200

Boca Raton, FL 33431

Satco Products, Inc.

110 Heartland Boulevard

Brentwood, NY 11717

Topaz Lighting Corp.

925 Waverly Avenue

Holtsville, NY 11742

Wangs Alliance Corporation d/b/a WAC

Lighting Co.

44 Harbor Park Drive

Port Washington, NY 11050

WAC Lighting (Shanghai) Co. Ltd.

No. 14, Lane 299, Bi Sheng Road

Zhang Jiang, Pu Dong District

Shanghai, China 201204

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in the investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the

Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Lisa R. Barton
Secretary to the Commission

Issued: November 3, 2017.

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