INTERNATIONAL TRADE COMMISSION

Investigation No. 337-TA-947

Certain Light-Emitting Diode Products 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 January 12, 2015, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Cree, Inc. of Durham, North Carolina. A supplement to the complaint was filed on January 29, 2015. 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 light-emitting diode products and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,657,236 ("the '236 patent"); U.S. Patent No. 6,885,036 ("the '036 patent"); U.S. Patent No. 6,614,056 ("the '056 patent"); U.S. Patent No. 7,312,474 ("the '474 patent"); U.S. Patent No. 7,976,187 ("the '187 patent"); U.S. Patent No. 8,766,298 ("the '298 patent"); U.S. Patent No. 8,596,819 ("the '819 patent"); and U.S. Patent No. 8,628,214 ("the '214 patent"), and that an industry in the United States exists as required by subsection (a)(2) of section 337. The complaint further alleges violations of section 337 based upon the importation into the United States, the sale for importation into the United States, and the sale within the United States after importation, of certain light-emitting diodes and components thereof by reason of false advertising, the threat or effect of which is to destroy or substantially injure an industry in the United States.

The complainant requests 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 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.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2014).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on February 11, 2015, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine:

(a) 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 light-emitting diode products and components thereof by reason of infringement of one or more of claims 1, 2, 4-6, 8, 11, 12, 14-16, 20, 23-26, 28, and 32 of the '236 patent; claims 1-7, 9-11, and 13 of the '036 patent; claims 1-4, 6, and 10 of the '056 patent; claims 1-3, 6, 7, and 15-21 of the '474 patent; claims 1-6 and 26-30 of the '187 patent; claims 1-5 of the '298 patent; claims 1-4, 6-12, 19, 22-28, and 52-59 of the '819 patent; and claims 7, 8, 14, 15-19, 24, and 25 of the '214 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(b) whether there is a violation of subsection (a)(1)(A) of section 337 in the importation into the United States, or the sale of certain light-emitting diode products and components thereof by reason of false advertising, the threat or effect of which is to destroy or substantially injure an industry in the United States;

(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:

Cree, Inc.

4600 Silicon Drive

Durham, NC 27703

(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

Feit Electric Company, Inc.

Zone B, 2/F, Xinyu Building, No. 17

Huoju East Road, Huli District

Xiamen, China

Unity Opto Technology Co., Ltd.

10th Floor, No. 88-8, Sec. 1

Guangfu Road, Sanchong District

New Taipei City 241

Taiwan

Unity Microelectronics, Inc.

1501 Summit Ave., Suite 10

Plano, Texas 75074

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

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

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.

Issued: February 12, 2015.

Lisa R. Barton,
Secretary to the Commission.

[FR Doc. 2015-03267 Filed 02/17/2015 at 8:45 am; Publication Date: 02/18/2015]