

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN LIGHTING CONTROL
DEVICES INCLUDING DIMMER
SWITCHES AND PARTS THEREOF (IV)**

Investigation No. 337-TA-776

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW AN
INITIAL DETERMINATION FINDING CERTAIN RESPONDENTS IN DEFAULT AND
ON REVIEW TO FIND RESPONDENTS IN DEFAULT UNDER COMMISSION RULES
210.16(a)(2) AND (b)(2)**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review an initial determination (“ID”) (Order No. 12) of the presiding administrative law judge (“ALJ”) finding respondents Elemental LED, LLC and Diode LED (a business owned by Elemental LED, LLC) (collectively, “Elemental LED”) of Emeryville, California in default in the above-captioned investigation. The Commission has determined on review that these respondents are properly held in default under Commission rules 210.16(a)(2) and (b)(2) (19 C.F.R. §§ 210.16(a)(2) and (b)(2)).

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. 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 June 15, 2011, based on a complaint filed by Lutron Electronics Co., Inc. of Coopersburg, Pennsylvania. 76 *Fed. Reg.* 35015-16. The complaint alleges 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 lighting control devices including dimmer switches and parts thereof by reason of infringement of certain claims of U.S. Patent Nos. 5,637,930 and 5,248,919. The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named several respondents including Elemental LED. The complaint and notice of investigation were served on Elemental LED on June 10, 2011. Elemental LED responded to the complaint and notice of investigation on July 19, 2011.

On December 7, 2011, Elemental LED filed a motion electing to default. No party opposed the motion.

The ALJ issued the subject ID on December 21, 2011, finding Elemental LED in default, pursuant to 19 C.F.R. § 210.16(b)(3), because Elemental LED has waived its right to participate in the investigation. No party petitioned for review of the ID pursuant to 19 C.F.R. § 210.43(a).

The Commission has determined to review the ID for the sole purpose of noting that the appropriate authority for granting Elemental LED's election to default is found in sections 210.16(a)(2) and (b)(2) of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.16(a)(2) and (b)(2)) because these respondents filed an answer to the complaint and notice of investigation.

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 section 210.44 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.44.

By order of the Commission.



James R. Holbein
Secretary to the Commission

Issued: January 17, 2012