

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436**

In the Matter of

**CERTAIN LIGHTING CONTROL
DEVICES INCLUDING DIMMER
SWITCHES AND PARTS THEREOF**

Inv. No. 337-TA-681

RECEIVED
OFFICE OF THE SECRETARY
U.S. INTERNATIONAL TRADE COMMISSION
JUN 24 11 10 AM '09

NOTICE OF INVESTIGATION

AGENCY: U.S. International Trade Commission

ACTION: Institution of investigation pursuant to 19 U.S.C. § 1337

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on June 23, 2009, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Lutron Electronics Co., Inc. of Coopersburg, Pennsylvania. 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 lighting control devices including dimmer switches and parts thereof that infringe certain claims of U.S. Patent No. 5,637,930. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

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: Benjamin Levi, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2781.

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 C.F.R. § 210.10 (2009).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on July 20, 2009, 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 lighting control devices including dimmer switches or parts thereof that infringe one or more of claims 36, 38, 47, 58, 65, 67, 76, 87, 94, 96, 105, 116, 178, 180, 189, and 197 of U.S. Patent No. 5,637,930, and whether an industry in the United States exists as required by subsection (a)(2) of section 337; and

(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 –

Lutron Electronics Co., Inc.
7200 Suter Road
Coopersburg, PA 18036

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served:

Neptun Light, Inc.
960 North Shore Drive
Lake Bluff, IL 60044

(c) The Commission investigative attorney, party to this investigation, is Benjamin Levi, Esq., 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, Paul J. Luckern, 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 respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d) 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 the 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.

A handwritten signature in black ink, appearing to read "Marilyn R. Abbott". The signature is fluid and cursive, with a large initial "M" and "A".

Marilyn R. Abbott
Secretary to the Commission

Issued: July 20, 2009


**CERTAIN LIGHTING CONTROL DEVICES INCLUDING
DIMMER SWITCHES AND PARTS THEREOF**

337-TA-681

CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **NOTICE OF INVESTIGATION** has been served by hand upon the Commission Investigative Attorney, Benjamin Levi, Esq., and the following parties as indicated, on

JUL 21 2009


Marilyn R. Abbott, Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

COMPLAINANT:

Lutron Electronics Co., Inc.
7200 Suter Road
Coopersburg, PA 18036
P-610-282-3800

() Via Hand Delivery
 Via Overnight Mail
() Via First Class Mail
() Other: _____

COUNSEL FOR COMPLAINANT:

V. James Adduci, II, Esq.
ADDUCI, MASTRIANI & SCHAUMBERG LLP
1200 Seventeenth Street, NW – Fifth floor
Washington, DC 20036
P-202-467-6300

() Via Hand Delivery
 Via Overnight Mail
() Via First Class Mail
() Other: _____

RESPONDENT:

Neptun Light, Inc.
960 North Shore Drive
Lake Bluff, IL 60044
P-847-735-8330

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

GOVERNMENT AGENCIES:

Edward T. Hand, Chief
Foreign Commerce Section
Antitrust Division
U.S. Department of Justice
450 5th Street NW – Room 11000
Washington, DC 20530
P-202-514-2464

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

U.S. Bureau of Customs and Border Protection
Intellectual Property Rights Branch
Mint Annex Building
799 9th Street, NW -7th floor
Washington, DC 20229-1177
202-325-0100

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

Elizabeth Kraus, Deputy Director
International Antitrust, Office of
International Affairs
Federal Trade Commission
600 Pennsylvania Avenue, Room 498
Washington, DC 20580
P-202-326-2649

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

Richard Lambert, Esq.
Office of Technology Development Services
Dept. of Health & Human Services
National Institutes of Health
6610 Rockledge Drive - Room 4071
Bethesda, MD 20892
P-301-496-2644

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

July 21, 2009

Richard Lambert
Office of Technology Development Services
Department of Health & Human Services
National Institute of Health
6610 Rockledge Drive-Room 2800
MSC 6606
Bethesda, MD 20892

**Re: Certain Lighting Control Devices Including Dimmer Switches and
Parts Thereof
Inv. No. 337-TA-681**

Dear Mr. Lambert:

The Commission has instituted an investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. '337). A copy of the notice of investigation is enclosed. Non-confidential copies of the complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Marilyn R. Abbott, Secretary at (202) 205-1802.

If you have questions concerning this investigation, please contact the Commission investigative attorney whose name and telephone number appear in the enclosed notice.

Sincerely,

A handwritten signature in cursive script that reads "Marilyn R. Abbott" with a date "10/12" written at the end.

Marilyn R. Abbott
Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

July 21, 2009

George F. McCray
U.S. Bureau of Customs and Border Protection
Intellectual Property Rights Branch
Mint Annex Building
799 9th Street, N.W.
Washington, DC 20001

**Re: Certain Lighting Control Devices Including Dimmer Switches and
Parts Thereof
Inv. No. 337-TA-681**

Dear Mr. McCray:

The Commission has instituted an investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. '337). A copy of the notice of investigation is enclosed. Non-confidential copies of the complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Marilyn R. Abbott, Secretary at (202) 205-1802.

If you have questions concerning this investigation, please contact the Commission investigative attorney whose name and telephone number appear in the enclosed notice.

Sincerely,

A handwritten signature in black ink that reads "Marilyn R. Abbott" with the initials "MRA" written below it.

Marilyn R. Abbott
Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

July 21, 2009

Elizabeth Kraus, Deputy Director
International Antitrust
Office of International Affairs
Federal Trade Commission
600 Pennsylvania Avenue, Room 498
Washington, DC 20580

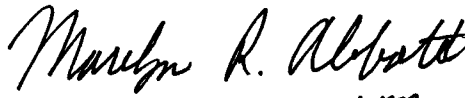
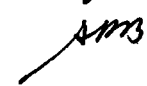
**Re: Certain Lighting Control Devices Including Dimmer Switches and
Parts Thereof
Inv. No. 337-TA-681**

Dear Ms. Kraus:

The Commission has instituted an investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. '337). A copy of the notice of investigation is enclosed. Non-confidential copies of the complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Marilyn R. Abbott, Secretary at (202) 205-1802.

If you have questions concerning this investigation, please contact the Commission investigative attorney whose name and telephone number appear in the enclosed notice.

Sincerely,


Marilyn R. Abbott
Secretary 

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

July 21, 2009

Edward T. Hand, Chief
Foreign Commerce Section
Antitrust Division
U.S. Department of Justice
450 5th Street, NW-Room 11000
Washington, DC 20530

**Re: Certain Lighting Control Devices Including Dimmer Switches and
Parts Thereof
Inv. No. 337-TA-681**

Dear Mr. Hand:

The Commission has instituted an investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. '337). A copy of the notice of investigation is enclosed. Non-confidential copies of the complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Marilyn R. Abbott, Secretary at (202) 205-1802.

If you have questions concerning this investigation, please contact the Commission investigative attorney whose name and telephone number appear in the enclosed notice.

Sincerely,

Marilyn R. Abbott
SAC

Marilyn R. Abbott
Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

July 21, 2009

Neptun Light, Inc.
960 North Shore Drive
Lake Bluff, Illinois 60044

**Re: Certain Lighting Control Devices Including Dimmer
Switches and Parts Thereof
Inv. No. 337-TA-681**

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation under Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337). **Neptun Light, Inc.** is a named respondent in this investigation.

We are hereby serving you with a copy of the complaint filed and the notice of investigation issued in this matter. Enclosed is a copy of the Code of Federal Regulations.

Please note that the notice requires a response to the allegations in the complaint and the response must be received not later than twenty (20) days after the date of service of the complaint. Failure to file a response may result in inferences being drawn against your interests.

Sincerely,

Marilyn R. Abbott
Marilyn R. Abbott
Secretary

Enclosures:

1. Complaint
2. Notice of Investigation
3. Code of Federal Regulations



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

July 21, 2009

V. James Adduci II
Adduci, Mastriani & Schaumberg, L.L.P.
1200 Seventeenth Street, NW, Fifth Floor
Washington, D.C. 20036

**Re: Certain Certain Lighting Control Devices Including Dimmer Switches
and Parts Thereof
Inv. No. 337-TA-681**

Dear Mr. Adduci:

This letter is to advise you that the U.S. International Trade Commission has instituted an investigation pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Commission's notice of investigation is enclosed.

Sincerely,

A handwritten signature in cursive script that reads "Marilyn R. Abbott" with a stylized flourish at the end.

Marilyn R. Abbott
Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

July 21, 2009

Lutron Electronic Co., Inc.
7200 Suter Road
Coopersburg, Pennsylvania 18036

**Re: Certain Lighting Control Devices Including Dimmer Switches and
Parts Thereof
Inv. No. 337-TA-681**

Dear Sir/Madam:

This letter is to advise you that the U.S. International Trade Commission has instituted an investigation pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Commission's notice of investigation is enclosed.

Sincerely,

A handwritten signature in cursive script that reads "Marilyn R. Abbott" with a stylized "smz" or similar mark at the end.

Marilyn R. Abbott
Secretary

Enclosure:

1. Notice of Investigation