

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN DIMMABLE COMPACT
FLUORESCENT LAMPS AND
PRODUCTS CONTAINING SAME**


Investigation No. 337-TA-830

Notice Regarding Initial Determination on Violation of Section 337

(February 27, 2013)

On this date, I issued an initial determination on violation of section 337 in the above-referenced investigation. Below are the first page and the conclusions of law from said filing, which are a matter of public record. A complete public version of the Initial Determination will issue when all the parties have submitted their redactions and I have had an opportunity to review the redactions.

SO ORDERED.


Thomas B. Pender
Administrative Law Judge

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

In the Matter of

**CERTAIN DIMMABLE COMPACT
FLUORESCENT LAMPS AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-830

INITIAL DETERMINATION ON VIOLATION OF SECTION 337

Administrative Law Judge Thomas B. Pender

(February 27, 2013)

Pursuant to the Notice of Investigation and Rule 210.42(a) of the Rules of Practice and Procedure of the United States International Trade Commission, this is the Initial Determination in the matter of *Certain Dimmable Compact Fluorescent Lamps and Products Containing Same*, United States International Trade Commission Investigation No. 337-TA-830.

It is held that a violation of subsection (a)(1)(B) of section 337 of the Tariff Act of 1930, as amended, has been found in the importation into the United States, the sale for importation, or the sale within the United States after importation, of certain dimmable compact fluorescent lamps and products containing same with respect to claim 9 of U.S. Patent No. 5,434,480.

It is held that a violation of subsection (a)(1)(B) of section 337 of the Tariff Act of 1930, as amended, has not been found in the importation into the United States, the sale for importation, or the sale within the United States after importation, of certain dimmable compact fluorescent lamps and products containing same with respect to claims 1 and 12 of U.S. Patent No. 8,035,318.

Furthermore, it is held that an industry in the United States does not exist with respect to U.S. Patent Nos. 5,434,480 and 8,035,318 as required by subsection (a)(2) of section 337.

VIII. CONCLUSIONS OF LAW

1. The Commission has personal jurisdiction over the parties, and subject-matter jurisdiction over the accused products.
2. The importation or sale requirement of section 337 is satisfied.
3. ULA's dimmable CFLs infringe claim 9 of the '480 patent.
4. TCP's dimmable CFLs do not infringe claims 1 or 12 of the '318 patent.
5. TCP's dimmable CFLs do not infringe claims 1 or 12 of the '318 patent under the doctrine of equivalents.
6. Claims 1 and 12 of the '318 patent are not invalid as anticipated under 35 U.S.C. § 102.
7. Claims 1 and 12 of the '318 patent are not invalid as obvious under 35 U.S.C. § 103.
8. Neptun's dimmable CFLs (domestic industry products) practice the '318 and '480 patents.
9. The domestic industry requirement is not satisfied with respect to the '318 and '480 patents.
10. There has been no violation of section 337 with respect to the '318 and '480 patents.

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337-TA-830

CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served upon, the Office of Unfair Import Investigations and the following parties via first class mail and air mail where necessary on FEB 28 2013



Lisa R. Barton, Acting Secretary
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337-TA-830

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RESPONDENTS:**

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