

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN LIGHT-EMITTING DIODES
PRODUCTS CONTAINING SAME**

Inv. No. 337-TA-802

ORDER NO. 4: INITIAL DETERMINATION SETTING TARGET DATE

(September 6, 2011)

On August 25, 2011, the Commission issued a Notice of Investigation in this matter to determine:

[W]hether 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 diodes and products containing same that infringe one or more of claims 1, 2, 10, 11, 13-15, 17, 18, 20-23, 26-34, and 36-42 of [U.S. Patent No. 7,928,465]; claims 1-12, 14-22, 24-30, 33, 35, 36, 38-46, 49, 50, 52-54, 60, 61, 63, 65, 66, 68, and 69 of [U.S. Patent No. 7,956,364]; claims 1, 2, 4, 11, 15, 17, 18, 21, and 24 of [U.S. Patent No. 6,841,802]; claims 1-4, 6, 8-12, 16-21, 24-29, and 31-37 of [U.S. Patent No. 7,649,210]; claims 1-4, 6-10, 13-17, 19, 22-29, 32, 40, 42-45, and 48 of [U.S. Patent No. 7,884,388]; claims 10-13, 19, 24, 25, and 29, of [U.S. Patent No. 7,821,024]; claims 1, 2, 8-10, 12, 14, 18, and 20-24 of [U.S. Patent No. 7,868,348]; and claims 1-7, 9, 11, 14-16, and 23 of [U.S. Patent No. 7,768,025], and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

(See Notice of Investigation.) The investigation was instituted upon publication of the Notice of Investigation in the *Federal Register* on August 31, 2011. See 76 Fed. Reg. 54254-55 (2011).

19 CFR § 210.10(b).

The complainants are LG Electronics, Inc., LG Twin Towers, 20, Yeouido-dong, Yeongdungpo-gu, Seoul, 150-721, Korea; LG Innotek Co., Ltd., Seoul Square 20F, Namdaemunno 5-ga, Jung-gu, Seoul 100-714, Korea. The respondents are OSRAM GmbH, Hellabrunner Strasse 1, 81543 Munich, Germany; OSRAM Sylvania Inc., 100 Endicott Street, Danvers, MA; OSRAM Opto Semiconductors GmbH, Leibnizstr 4, 93055 Regensburg, Germany. The Office of Unfair Import Investigations will not participate as a party in this investigation.

Based upon the complaint and notice of investigation, the Initial Determination on alleged violation of section 337 shall be due October 1, 2012,¹ and the target date for completion of this investigation is January 30, 2013, which is 17 months after institution of the investigation. *See* 19 CFR § 210.51(a); 19 CFR § 210.42(a)(1)(i).

I find that there is good cause for setting a 17-month target date. This investigation includes three respondents and 183 patent claims at issue. Moreover, this investigation was instituted only 9 days after the last investigation assigned to me, Inv. No. 337-TA-798. If this investigation is scheduled with a target date on a 16-month schedule, that schedule would result in three Initial Determinations due within a single two-week period. It is necessary to schedule the current investigation on a 17-month schedule to adequately space the three Initial Determinations apart from each other.

Pursuant to 19 CFR § 210.42(h), this initial determination shall become the determination of the Commission unless a party files a petition for review of the initial determination pursuant to 19 CFR § 210.43(a), or the Commission, pursuant to 19 CFR § 210.44, orders on its own

¹ While September 30, 2012 is actually the due date, that date is a Sunday. Therefore, pursuant to 19 CFR § 201.14, the date is set on the "next business day."

motion a review of the initial determination or certain issues contained herein.

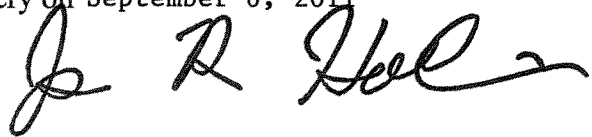
SO ORDERED.

A handwritten signature in black ink, consisting of a large, stylized loop at the top, followed by several smaller loops and a vertical line extending downwards.

Robert K. Rogers, Jr.
Administrative Law Judge

PUBLIC CERTIFICATE OF SERVICE

I, James R. Holbein, hereby certify that the attached **INITIAL DETERMINATION** was served upon the following parties via first class mail delivery on September 6, 2011



James R. Holbein, Secretary
U.S. International Trade Commission
500 E Street SW, Room 112A
Washington, D.C. 20436

FOR COMPLAINANTS LG ELECTRONICS, INC. and LG INNOTEK CO., LTD.:

Smith R. Brittingham IV, Esq.
**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP**
901 New York Avenue NW
Washington, DC 20001

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

RESPONDENTS:

OSRAM GmbH
Hellabrunner Strasse 1
81543 Munich
Germany

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 INTERNATIONAL

OSRAM Sylvania Inc.
100 Endicott Street
Danvers, MA 01923

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

OSRAM Opto Semiconductors GmbH
Leibnizstr 4
93055 Regensburg, Germany

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 INTERNATIONAL

PUBLIC CERTIFICATE OF SERVICE PAGE 2

PUBLIC MAILING LIST

Heather Hall
LEXIS – NEXIS
9443 Springboro Pike
Miamisburg, OH 45342

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

Kenneth Clair
THOMAS WEST
1100 Thirteenth Street NW, Suite 200
Washington, DC 20005

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