

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

In the Matter of

**CERTAIN WIND AND SOLAR-
POWERED LIGHT POSTS AND
STREET LAMPS**

Inv. No. 337-TA-736

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 August 6, 2010, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Duggal Dimensions LLC of New York, New York; Duggal Energy Solutions, LLC of New York, New York; and Duggal Visual Solutions, Inc. of New York, New York. 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 wind and solar-powered light posts and street lamps by reason of infringement of the claimed design of U.S. Patent No. D610,732 (“the ‘732 patent”). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an 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: Christopher G. Paulraj, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-3052.

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 (2010).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on September 21, 2010, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine 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 wind and solar-powered light posts and street lamps that infringe the claimed design of the '732 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(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 complainants are:

Duggal Dimensions LLC
10 West 24th Street
New York, NY 10010

Duggal Energy Solutions, LLC
9 West 20th Street
New York, NY 10011

Duggal Visual Solutions, Inc.
10 West 24th Street
New York, NY 10010

(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:

Gus Power Incorporated
770 Gana Court
Mississauga, Ontario
L5S 1P1 Canada

Efston Science Inc
3350 Dufferin Street
Toronto, Ontario
M6A 3A4 Canada

King Luminaire, Inc.
1153 State Route 46 North
P.O. Box 266
Jefferson, OH 44047

The StressCrete Group
840 Walkers Lane
Burlington, Ontario
L7R 3X9

(c) The Commission investigative attorney, party to this investigation, is Christopher G. Paulraj, 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, the Honorable 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 respondents 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)-(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.



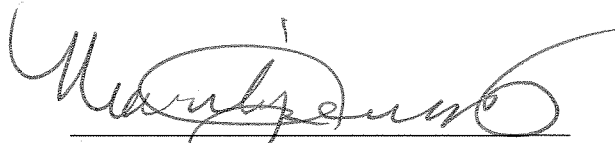
Marilyn R. Abbott
Secretary to the Commission

**CERTAIN WIND AND SOLAR-POWERED LIGHT POSTS
AND STREET LAMPS**

337-TA-736

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, Christopher G. Paulraj, Esq., and the following parties as indicated, on
September 21, 2010



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

Complainants:

Duggal Dimensions LLC
10 West 24th Street
New York, NY 10010

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

Duggal Energy Solutions, LLC
9 West 20th Street
New York, NY 10011

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

Duggal Visual Solutions, Inc.
10 West 24th Street
New York, NY 10010

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

On Behalf of Complainants:

L. Donald Prutzman, Esq.
**TANNENBAUM HELPERN SYRACUSE &
HIRSCHTRITT, LLP**
900 3rd Avenue
New York, NY 10022

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

Respondents:

Gus Power Incorporated
770 Gana Court
Mississauga, Ontario, L5S 1P1, Canada

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- INTERNATIONAL

Efston Science Inc.
3350 Dufferin Street
Toronto, Ontario, M6A 3A4, Canada

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- INTERNATIONAL

King Luminaire, Inc.
1153 State Route 46 North
P.O. Box 266
Jefferson, OH 44047

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

The StressCrete Group
840 Walkers Lane
Burlington, Ontario, L7R 3X9, Canada

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- INTERNATIONAL

Embassy:

Embassy of Canada
501 Pennsylvania Avenue, NW
Washington, Dc 20001

- 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

- 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

- 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

- 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 2800, MSC 6606
Bethesda, MD 20892

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



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

September 21, 2010

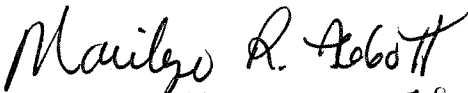
Duggal Dimensions LLC
10 West 24th Street
New York, NY 10010

**Re: Certain Wind and Solar-Powered Light Posts and Street Lamps
Inv. No. 337-TA-736**

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,


Marilyn R. Abbott *JRo*
Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

September 21, 2010

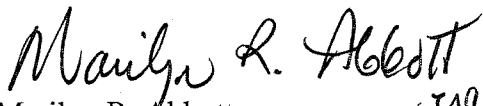
Duggal Energy Solutions, LLC
9 West 20th Street
New York, NY 10011

Re: Certain Wind and Solar-Powered Light Posts and Street Lamps
Inv. No. 337-TA-736

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,


Marilyn R. Abbott *JRA*
Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

September 21, 2010

Duggal Visual Solutions, Inc.
10 West 24th Street
New York, NY 10010

Re: Certain Wind and Solar-Powered Light Posts and Street Lamps
Inv. No. 337-TA-736

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,


Marilyn R. Abbott
Secretary


R. Abbott
3/16

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

September 21, 2010

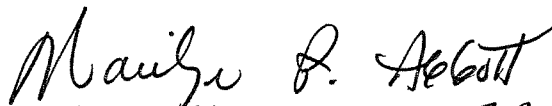
L. Donald Prutzman, Esq.
Tannenbum, Helpern, Syracuse, & Hirschtritt, LLP
900 Third Ave.
New York, NY 10022

**Re: Certain Wind and Solar-Powered Light Posts and Street Lamps
Inv. No. 337-TA-736**

Dear Mr. Prutzman:

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,


Marilyn R. Abbott
Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

September 21, 2010

Gus Power Incorporated
770 Gana Court
Mississauga, Ontario, L5S 1P1, Canada

Re: Certain Wind and Solar-Powered Light Posts and Street Lamps
Inv. No. 337-TA-736

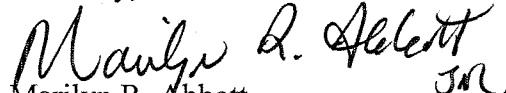
Dear Sir/Madam: ☺

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). **Gus Power Incorporated** is a named respondent in this investigation.

We are hereby serving you with a copy of the Complaint 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
Secretary

Enclosure:

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



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

September 21, 2010

Efston Science Inc.
3350 Dufferin Street
Toronto, Ontario M6A 3A4, Canada

Re: Certain Wind and Solar-Powered Light Posts and Street Lamps
Inv. No. 337-TA-736


Dear Sir/Madam: *

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

We are hereby serving you with a copy of the Complaint 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
Secretary

Enclosure:

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



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

September 21, 2010

King Luminaire, Inc.
1153 State Route 46 North
PO Box 266
Jefferson, OH 44047

Re: Certain Wind and Solar-Powered Light Posts and Street Lamps
Inv. No. 337-TA-736


Dear Sir/Madam:


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

We are hereby serving you with a copy of the Complaint 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
Secretary



Enclosure:

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



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

September 21, 2010

The StressCrete Group
840 Walkers Lane
Burlington, Ontario L7R 3X9

Re: Certain Wind and Solar-Powered Light Posts and Street Lamps
Inv. No. 337-TA-736


Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). **The StressCrete Group** is a named respondent in this investigation.

We are hereby serving you with a copy of the Complaint 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
Secretary



Enclosure:

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



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

September 21, 2010

Embassy of Canada
501 Pennsylvania Avenue, NW
Washington DC 20001


**Re: Certain Wind and Solar-Powered Light Posts and Street Lamps
Inv. No. 337-TA-736**

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). One or more of the parties named in the investigation is located in **Canada**.

Pursuant to Commission Rule 210.11(a)(3), we are hereby serving you with a copy of the Complaint filed in this investigation together with a copy of the Commission's Notice of Investigation.

Sincerely,


Marilyn R. Abbott
Secretary


R. Abbott
JNL

Enclosure:

1. Complaint
2. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

September 21, 2010

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 Wind and Solar-Powered Light Posts and Street Lamps
Inv. No. 337-TA-736

Dear Mr. Hand:

This letter is to advise you that the United States 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 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 any 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

September 21, 2010

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

**Re: Certain Wind and Solar-Powered Light Posts and Street Lamps
Inv. No. 337-TA-736**

Dear Sir/Madam:

This letter is to advise you that the United States 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 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 any 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".

Marilyn R. Abbott
Secretary

A handwritten signature in cursive script that reads "R. Abbott" with a small mark below it.

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

September 21, 2010

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


**Re: Certain Wind and Solar-Powered Light Posts and Street Lamps
Inv. No. 337-TA-736**

Dear Ms. Kraus:

This letter is to advise you that the United States 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 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 any 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

September 21, 2010

Richard Lambert, Esq.
Office of Technology Development Services
Department of Health & Human Services
National Institute of Health
6610 Rockledge Drive, Room 280, MSC 6606
Bethesda, MD 20892

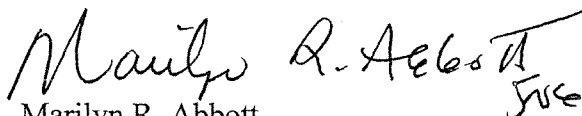
**Re: Certain Wind and Solar-Powered Light Posts and Street Lamps
Inv. No. 337-TA-736**

Dear Mr. Lambert:

This letter is to advise you that the United States 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 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 any 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