

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

In the Matter of

**CERTAIN GROUND FAULT CIRCUIT
INTERRUPTERS AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-478

**NOTICE OF COMMISSION DETERMINATION TO REVIEW AND REVERSE AN
INITIAL DETERMINATION GRANTING A MOTION FOR SUMMARY
DETERMINATION THAT THE ASSERTED CLAIMS OF THE PATENT IN ISSUE
ARE INVALID**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review and reverse an initial determination (“ID”) of the presiding administrative law judge (“ALJ”) in the above-captioned investigation granting a motion for summary determination that claims 1-4 of U.S. Letters Patent 4,595,894 are invalid as anticipated under 35 U.S.C. § 102.

FOR FURTHER INFORMATION CONTACT: Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3152. Copies of the Commission’s order, the ID, the Commission’s opinion in support thereof, and all other nonconfidential 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. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on

202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

SUPPLEMENTARY INFORMATION: On August 23, 2002 the Commission instituted this investigation, which concerns allegations of unfair acts in violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain ground fault circuit interrupters (“GFCIs”) and products containing same by reason of infringement of claims 1-4 of the U.S. Patent No. 4,595,894 (“the ‘894 patent”). 67 *Fed. Reg.* 54671. The complainant is Leviton Manufacturing Co., Inc. (“Leviton”), and the respondents are Yueqing Huameili Electronic Co., Ltd. d/b/a HML, Yueqing Huameili Electronic Co., Ltd., Van-Sheen Electric Appliance Co. d/b/a Yatai Switch Factory, Sammax International Limited, and Jiamei Electrical Engineering Co., Ltd.

On January 8, 2003, Leviton filed a motion seeking summary determination that certain of respondents' GFCI products infringe claim 1 of the '894 patent. On February 14, 2003, respondents filing an Opposition and Conditional Cross-Motion for Summary Determination that the '894 patent is invalid and unenforceable. On February 21, 2003, the presiding ALJ issued Order No. 9, denying Leviton's infringement motion. On March 3, 2003, Leviton filed a motion to terminate the investigation based upon withdrawal of the complaint pursuant to rule 210.21(a)(1).

On March 17, 2003, the ALJ issued an ID (Order No. 11) granting in part respondents' cross-motion for summary determination on invalidity. Leviton and the Commission investigative attorney filed petitions for review and respondents filed a response to the petitions. On April 4, 2003, Leviton moved for leave to file a reply, and filed a reply, in support of its petition for review.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, and section 210.45 of Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.45.

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: April 15, 2003