

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

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

Investigation No. 337-TA-739

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING A JOINT MOTION TO TERMINATE THE
INVESTIGATION AS TO RESPONDENT SUTHERLAND LUMBER OF KANSAS
CITY, LLC BASED ON A CONSENT ORDER STIPULATION;
ISSUANCE OF CONSENT ORDER**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 39) issued by the presiding administrative law judge (“ALJ”) granting a joint motion to terminate the above-captioned investigation as to respondent Sutherland Lumber of Kansas City, LLC, based on a consent order stipulation. The Commission has issued the subject consent order with an appropriate redaction.

FOR FURTHER INFORMATION CONTACT: Jia Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-4737. Copies of non-confidential 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. 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>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 8, 2010, based on a complaint filed by Leviton Manufacturing Co. (“Leviton”) of Melville, New York. *75 Fed. Reg.* 62420 (Oct. 8, 2010). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of

certain ground fault circuit interrupters and products containing the same by reason of infringement of various claims of United States Patent Nos. 7,463,124; 7,737,809; and 7,764,151. The Commission's notice of investigation named numerous respondents, including respondent Sutherland Lumber of Kansas City, LLC of Kansas City, Missouri ("Sutherland").

On March 14, 2011, Leviton and Sutherland filed a joint motion before the ALJ to terminate the investigation with respect to Sutherland on the basis of a consent order stipulation. The consent order stipulation and a proposed consent order were attached to the joint motion. On March 24, 2011, the Commission investigation attorney filed a response supporting Leviton and Sutherland's joint motion.

On April 6, 2011, the ALJ issued the subject ID granting Leviton and Sutherland's joint motion. The ALJ observed that Commission Rule 210.21(c)(3) (19 C.F.R. § 210.21(c)(3)) sets forth certain requirements for the contents of a consent order stipulation and that the stipulation submitted by the parties complies with these requirements. The ALJ also found that termination of this investigation with respect to Sutherland does not impose any undue burdens on the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, or United States consumers. No petitions for review were filed.

The Commission has determined not to review the subject ID and to issue the subject consent order with an appropriate redaction.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.

James R. Holbein
Acting Secretary to the Commission

Issued: May 2, 2011