

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 COMPLAINANT'S MOTION TO FIND
A RESPONDENT IN DEFAULT**

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. 46) issued by the presiding administrative law judge ("ALJ") granting complainant's motion to find one respondent in default.

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 Norcross Electric Supply Company, Inc. of Suwanee, Georgia ("Norcross").

On May 3, 2011, Leviton moved for entry of an ID finding Norcross in default. The Commission investigative attorney supported the motion. On May 17, 2011, the ALJ issued the subject ID (Order No. 46). The ALJ explained that Commission Rule 210.16(a)(2) (19 C.F.R. § 210.16(a)(2)) provides that a party may be found in default as a sanction for failure to make or cooperate in discovery. The ALJ noted that Norcross has not responded to any of Leviton's discovery requests or Leviton's motion to compel discovery, and has failed to comply with Order No. 42 compelling discovery. The ALJ also noted that Norcross has failed to otherwise participate in this investigation. Accordingly, the ALJ found Norcross to be in default under Commission Rule 210.16(a)(2). None of the parties petitioned for review of the ID.

The Commission has determined not to review the subject ID.

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
Secretary to the Commission

Issued: June 13, 2011