INTERNATIONAL TRADE COMMISSION
[Inv. No. 337–TA–798]

Certain Light-Emitting Diodes and Products Containing Same; Notice of Institution of Investigation

Institution of investigation pursuant to 19 U.S.C. 1337.


ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 15, 2011, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Samsung LED Co., Ltd. of Korea and Samsung LED America, Inc. of Atlanta, Georgia. 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 light-emitting diodes and products containing same by reason of infringement of certain claims of U.S. Patent No. 6,551,848 ("the '848 patent"); U.S. Patent No. 7,282,741 ("the '741 patent"); U.S. Patent No. 7,372,372 ("the '372 patent"); U.S. Patent No. 6,993,941 ("the '941 patent"); U.S. Patent No. 7,093,443 ("the '443 patent"); U.S. Patent No. 7,838,315 ("the '315 patent"); U.S. Patent No. 7,959,312 ("the '312 patent"); and U.S. Patent No. 7,964,881 ("the '881 patent"). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337; that infringe one or more of claims 1, 3, 5–10, and 13–16 of the '848 patent; claims 1–9 of the '372 patent; claims 1 and 5–9 of the '741 patent; claims 1, 2, 4, 6–8, 10, and 11 of the '081 patent; claims 1, 4, 5, and 7–14 of the '443 patent; claims 1–4, 6, and 9–13 of the '312 patent; claims 1–5 of the '315 patent; and claims 1–12 of the '881 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

The complaint requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

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, SW., Room 112, Washington, DC 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 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.


Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on August 12, 2011, 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 light-emitting diodes and products containing same that infringe one or more of claims 1, 3, 5–10, and 13–16 of the '848 patent; claims 1–9 of the '372 patent; claims 1 and 5–9 of the '741 patent; claims 1, 2, 4, 6–8, 10, and 11 of the '081 patent; claims 1, 4, 5, and 7–14 of the '443 patent; claims 1–4, 6, and 9–13 of the '312 patent; claims 1–5 of the '315 patent; and claims 1–12 of the '881 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: Samsung LED Co., Ltd., 314, Maetan 3-Dong, Yeonjong-gu, Suwon City, Gyeonggi-Do 443–743, Korea.
Samsung LED America, Inc., 6 Conventry Parkway NE., Atlanta, GA 30328.

(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: OSRAM GmbH, Hellabrunner Strasse 1, 81543 Munich, Germany.
OSRAM Opto Semiconductors GmbH, Leibnizstr 4, 93055 Regensburg, Germany.
OSRAM Opto Semiconductors Inc., 1150 Kifer Road Suite 100, Sunnyvale, CA 94086.
OSRAM Sylvania Inc., 100 Endicott Street, Danvers, MA 01923.
(c) The Office of Unfair Import Investigations, U.S. International Trade Commission
Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and
(3) For the investigation so instituted, the Chief Administrative Law Judge,
U.S. International Trade Commission, shall designate the presiding
Administrative Law Judge.

The Office of Unfair Import
Investigations will not participate as a
party in this investigation.

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 CFR 210.13. Pursuant to
19 CFR 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
such findings, and may result in the
Commission’s rules of practice.

In accordance with Commission
policy, subject matter listed above, not
disposed of at the scheduled meeting,
may be carried over to the agenda of the
following meeting.

By order of the Commission.
Issued: August 16, 2011.
William R. Bishop,
Hearings and Meetings Coordinator.
[FR Doc. 2011–21189 Filed 8–16–11; 11:15 am]
BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement
Agreement Under the Resource
Conservation and Recovery Act and
the Emergency Planning and
Community Right-to-Know Act

Notice is hereby given that on August 12,
2011, a proposed Consent Decree in
United States v. Clean Harbors of
Braintree, Inc., No. 11–11440, was
lodged with the United States District
Court of the District of Massachusetts.
The United States filed this action, on
the same day that the Consent Decree
was lodged with the Court, under the
Resource Conservation and Recovery Act
(“RCRA”), 42 U.S.C. 6901, et seq.,
and the Emergency Planning and
Community Right-to-Know Act
(“EPCRA”), 42 U.S.C. 11001, et seq. The
Complaint alleges that Clean Harbors of
Braintree, Inc. (“Clean Harbors”) violated various provisions of RCRA
and EPCRA, as well as their
implementing permits and regulations,
at the hazardous waste treatment,
storage, and disposal facility operated by
Clean Harbors at 1 Hill Avenue in
Braintree, Massachusetts (“Facility”).

Under the Consent Decree, Clean Harbors has agreed to certain injunctive
relief, to pay a penalty in the amount of
$650,000, and to implement a
Supplemental Environmental Project, at
a cost of at least $1,062,500, involving
the planting of approximately 1,400
trees in low-income or minority areas
located in the City of Boston. The
Consent Decree resolves the civil claims
of the United States for the violations
alleged in the Complaint through the
date of lodging of the Consent Decree.

For a period of thirty days from the
date of this publication, the Department of Justice will receive and consider
comments relating to the Consent
Decree. All comments must be received
by the Department of Justice within this
thirty-day period. Comments should be
addressed to the Assistant Attorney
General, Environment and Natural
Resources Division, and either e-mailed
or faxed to pubcomment-ees.enrd@usdoj.gov or
mailed to P.O. Box 7611, U.S.
Department of Justice, Washington, DC
20044, and should refer to United States
v. Clean Harbors of Braintree, Inc., No.
XX (D. Mass.) and D.J. Ref. No. 90–7–1–
09439. A copy of any comments should
be sent to Donald G. Frankel, Senior
Counsel, Department of Justice,
Environmental Enforcement Section,
One Gateway Center, Suite 616,
Newton, MA 02458, or e-mailed to
donald.frankel@usdoj.gov.

The Agreement may be examined at
the Office of the United States Attorney,
District of Massachusetts, United States
Federal Courthouse, 1 Courthouse Way,
Boston, MA 02210 (contact George B.
Henderson, II at 617–748–3100). During
the public comment period, the
Agreement may also be examined on the
following Department of Justice Web
Consent_Decrees.html. A copy of the
Agreement may also be obtained by mail
from the Consent Decree Library, P.O.
Box 7611, U.S. Department of Justice,
Washington, DC 20044–7611, or by
faxing or e-mailing a request to Tonia
Fleetwood (tonia.fleetwood@usdoj.gov),
fax no. (202) 514–0097, phone
confirmation number (202) 514–1547. In
requesting a copy of the Agreement from
the Consent Decree Library, please
enclose a check in the amount of $9.50
(25 cents per page reproduction cost)
payable to the U.S. Treasury (if the
request is by fax or e-mail, forward a
copy to the Consent Decree library at
the address stated above).

Ronald G. Gluck,
Assistant Section Chief, Environmental
Enforcement Section, Environment and
Natural Resources Division.
[FR Doc. 2011–21008 Filed 8–17–11; 8:45 am]
BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree
Under the Clean Water Act

Notice is hereby given that on August 11,
2011, a proposed Consent Decree in
Environment Rhode Island et al. and the