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UC Strikes Out At ITC In LED Patent Suit Against GE, Ikea

By **Ryan Davis**

Law360 (December 23, 2021, 5:45 PM EST) -- A U.S. International Trade Commission judge has cleared GE, Ikea, Home Depot and others of infringing four University of California LED light bulb patents, dealing a blow to what the university has described as a "first-of-its-kind" patent enforcement campaign against an entire industry.

In an initial determination handed down last month and made public on Tuesday, Administrative Law Judge Clark S. Cheney concluded that trade law was not violated because none of the asserted patent claims were infringed and all of them are invalid as obvious or anticipated.

"It is my initial determination that no violation of Section 337 of the Tariff Act, as amended, has occurred," the judge concluded. His decision is subject to review by the full commission.

In addition to GE, Ikea and Home Depot, the university accused Feit Electric and Satco Products Inc. of infringement. Signify North America Corp. and Global Value Lighting LLC, which supply LED lights to some of the respondents, intervened in the case as well.

The university filed the ITC complaint in **August 2020**, about a year after filing **another case** there over the same technology, targeting companies including Amazon, Target, Walmart, and Bed Bath & Beyond. That first case ended last year after the university withdrew the complaint against all the accused infringers apart from Bed Bath & Beyond, which settled.

The university also filed infringement complaints in the Central District of California against many of the companies in the ITC cases; the complaints were stayed pending the ITC cases' outcomes.

The university claims that three professors at UC-Santa Barbara developed what it described as a "revolutionary technology" in LED light bulbs that uses about 90% less energy than traditional incandescent light bulbs. Its enforcement campaign is backed by litigation funder Longford Capital in exchange for a portion of proceeds, the university said.

The retailers began using the technology in their LED light bulbs without the university's authorization in 2014, the complaint alleged. That unauthorized use flooded the market with the infringing products, crippling its ability to license its patents in a "classic example" of overseas manufacturers taking "unfair advantage of academic openness," the university said.

It described the case as a unique patent enforcement campaign targeting an entire industry, and said it was one of the first times a university has been a sole complainant at the ITC.

In addition to the judge's finding that the patents are invalid, Satco challenged many of the university's LED patents at the Patent Trial and Appeal Board, which led to a string of decisions in recent months invalidating several claims.

An attorney for the university declined to comment on the ruling. Adam Swain of Alston & Bird LLP, an attorney for Signify, said the company is pleased with the result. Counsel for the other parties could not immediately be reached for comment Thursday.

The patents-in-suit are U.S. Patent Nos. 9,240,529; 9,859,464; 10,593,854; and 10,658,557.

The University of California is represented by Evan H. Langdon, Joshua Rodriguez, Seth D. Levy, Shawn G. Hansen, Staci J. Riordan, Vincent C. Capati, Angelo J. Christopher and Paulina M. Starostka of Nixon Peabody LLP.

Ikea is represented by David F. Nickel, Susan Koegel and Matthew N. Duescher of Foster Murphy Altman & Nickel PC, Michael J. Bonella, Joseph R. Klinicki, Ross E. Alexander, Ryan Peddle, Aakash Patel and Benjamin Chalfin of Flaster Greenberg PC, and Kenneth E. Keller, Christopher E. Stretch and Kecia J. Reynolds of Pillsbury Winthrop Shaw Pittman LLP.

Home Depot is represented by Ryan K. Walsh, Parth H. Matalia, Rita J. Yoon, Jeffrey S. Messing, Vishal V. Khatri and Yury Kalish of Jones Day.

Feit is represented by Jay H. Reiziss, Alexander P. Ott, Charles M. McMahon, Thomas M. DaMario, Colin J. Stalter and Ewa A. Wojciechowska of McDermott Will & Emery LLP, and Kal K. Shah and Simeon Papacostas of Benesch Friedlander Coplan & Aronoff LLP.

GE is represented by Patrick J. McCarthy, Elaine Herrmann Blais, Douglas J. Kline, Lana Shiferman, Christie Larochelle, Andrew McDonough, Harrison Gunn and Autumn Soucy of Goodwin Procter LLP.

Satco is represented by Scott J. Bornstein, Joshua L. Raskin, Allan A. Kassenoff, Brian Prew, Giancarlo L. Scaccia, Jade Li-Yu Chen, Kathryn E. Albanese, Nicholas A. Brown and Cyrus T. Frelinghuysen of Greenberg Traurig LLP, and Robert P. Lynn Jr. of Lynn Gartner Dunne LLP.

Signify is represented by Adam D. Swain, Ross R. Barton, Karlee Wroblewski and Darlena Subashi of Alston & Bird LLP.

Global Value is represented by Eric D. Hayes, Jay Emerick, Adam M. Janes, Mario Avaldi, Abigail Lauer Litow and Tiffany M. Knapp of Kirkland & Ellis LLP.

The case is Certain Filament Light-Emitting Diodes and Products Containing Same (II), case number 337-TA-1220, before the U.S. International Trade Commission.

--Editing by Adam LoBelia.