

August 6, 2010  
Jason Steblay  
[jsteblay@barnesrichardson.com](mailto:jsteblay@barnesrichardson.com)  
1.202.483.0070

## Key Facts

### Patent Complaint at USITC Seeks Exclusion Order Barring the Importation of Certain Wind and Solar-Powered Light Posts and Street Lamps

#### Date of Filing

August 6, 2010

#### Product at Issue

The asserted patent relates to the design of wind and solar-powered light posts and street lamps with ornamental design. Design and engineering of these products are critical in ensuring the maximum efficient use of available wind and solar energy. The product is designed primarily to light outdoor parking lots, highways, streets, paths, waterfronts, and other outdoor spaces.

At issue is the proposed respondent's infringement of the following Duggal Companies' patent related to wind and solar-powered light posts:

- **610,732 S:** "Wind and Solar-Powered Light Post" issued on February 23, 2010.

The Duggal Companies also own two Canadian industrial design registrations, a Brazilian industrial design application, and a European Community design registration which relate to the '732 patent.

#### Relief Sought

The complainants are requesting that the U.S. International Trade Commission (USITC) issue an exclusion order, pursuant to Section 337 of the Tariff Act of 1930, prohibiting entry into and sale within the U.S. of light posts that infringe the claim of the '732 patent.

Additionally, respondents are requesting that the USITC issue a permanent cease-and-desist order prohibiting the proposed respondents and their affiliates from marketing, demonstrating, distributing, offering for sale, selling or otherwise transferring, including the movement or shipment of inventory in the U.S. of any light posts or component thereof that infringes the '732 patent.

#### Complainants:

Duggal Dimensions  
Duggal Visual  
Duggal Energy  
10 West 24<sup>th</sup> Street  
New York, New York 10011

#### Proposed Respondents:

Gus Power Incorporated  
770 Gana Court  
Mississauga, Ontario  
L5S 1P1, Canada

Efston Science Inc.  
3350 Dufferin Street  
Toronto, Ontario  
M6A 3A4 Canada

King Luminaire, Inc.  
1153 State Route 46 North  
P.O. Box 266  
Jefferson, Ohio 44047

The StressCrete Group  
840 Walkers Lane  
Burlington, Ontario  
L7R 3X9 Canada

#### Investigation Procedure

The ITC will decide whether to institute an investigation within 30 days of receiving a complaint. Initial respondent responses are due 20 days after the ITC publishes its notice of institution.

Due to tight statutory deadlines, it is critical that named respondents and other interested parties begin preparing for an investigation immediately. Furthermore, although the ITC cannot compel foreign companies divulge information, the ITC can impose stiff sanctions against companies that fail to provide requested information.