

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SUCRALOSE, SWEETENERS
CONTAINING SUCRALOSE, AND
RELATED INTERMEDIATE
COMPOUNDS THEREOF**

Investigation No. 337-TA-604

**NOTICE OF COMMISSION DETERMINATION
NOT TO REVIEW AN INITIAL DETERMINATION TERMINATING THE
INVESTIGATION AS TO RESPONDENT PROFOOD INTERNATIONAL, INC. ON
THE BASIS OF A CONSENT ORDER; 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 the initial determination (“ID”) of the presiding administrative law judge (“ALJ”) (Order No. 12) in the above-captioned investigation terminating the investigation as to respondent Profood International, Inc. (“ProFood”) on the basis of a consent order.

FOR FURTHER INFORMATION CONTACT: James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3065. 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 (<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: This investigation was instituted on May 10, 2007, based upon a complaint filed on behalf of Tate & Lyle Technology Ltd. of London, United Kingdom, and Tate & Lyle Sucralose, Inc. of Decatur, Illinois (collectively, “Tate & Lyle”) on April 6, 2007. 72 Fed. Reg. 26,645 (May 10, 2007). The complaint, as supplemented, alleged violation of subsection (a)(1)(B) of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain

sucralose, sweeteners containing sucralose, and related intermediate compounds thereof by reason of infringement of various claims of United States Patent Nos. 5,470,969; 5,034,551; 4,980,463; 5,498,709; and 7,049,435. The notice of investigation named twenty-five firms as respondents, including ProFood.

On June 6, 2007, ProFood filed a motion to terminate the investigation as to it on the basis of a consent order. On August 9, 2007, the ALJ issued the subject ID (Order No. 12) granting ProFood's motion. The ALJ determined that the motion complied with the Commission's rules regarding termination based upon a consent order and that the termination of this investigation as to ProFood was not adverse to the public interest. No petitions for review were filed, and the Commission has determined not to review the 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 sections 210.21 and 210.42 of the Commission's Rules of Practice and Procedure (19 CFR §§ 210.21, 210.42).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: August 30, 2007