

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

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 GRANTING COMPLAINANTS' MOTION FOR
PARTIAL TERMINATION OF THE INVESTIGATION WITH RESPECT TO
CERTAIN PATENTS AND CERTAIN RESPONDENTS**

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. 38) granting complainants' motion for partial termination of the above-identified investigation with respect to certain patents and certain respondents.

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, and supplemented on April 13, 18, 23, and 25, 2007. *72 Fed. Reg.* 26,645 (May 10, 2007). The complaint alleged violations of subsection (a)(1)(B) of section 337 of the Tariff Act of 1930 (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 sucralose, sweeteners containing sucralose, and related intermediate compounds thereof by reason of infringement of various claims of United States Patent Nos. 5,470,969 (“the ‘969 patent”); 5,034,551 (“the ‘551 patent”); 4,980,463; 5,498,709 (“the ‘709 patent”); and 7,049,435 (“the ‘435 patent”). The notice of investigation named twenty-four firms as respondents.

On December 4, 2007, Tate & Lyle filed a motion for partial termination of the investigation with respect to certain patents and certain respondents. Specifically, Tate & Lyle moved to withdraw all asserted claims of the ‘709 patent with respect to respondents Changzhou Niutang Chemical Plant Co., Ltd.; Guangdong Food Industry Institute; L&P Food Ingredients International, Co., Ltd.; Hebei Sukerui Science and Technology, Co., Ltd. (“Hebei Sukerui”); Heartland Packaging Corp. (“Heartland Packaging”); Heartland Sweeteners, LLC (“Heartland Sweeteners”); MTC Industries, Inc. (“MTC”); Nantong Molecular Tech. Co., Ltd. (“Nantong Molecular”); Garuda International, Inc.; Beijing Forbest Trade Co., Ltd. (“Forbest Trade”); Beijing Forbest Chemical Co., Ltd. (“Forbest Chemical”); and Forbest International USA LLC (“Forbest International”). Tate & Lyle also moved to withdraw all asserted claims of the ‘435 patent with respect to respondents Hebei Sukerui; Forbest Trade; Forbest Chemical; Forbest International; Heartland Sweeteners; Heartland Packaging; MTC; and Nantong Molecular. Tate & Lyle also stated that their claims against JK Sucralose with respect to the ‘969 and ‘551 patents were moot.

On December 21, 2007, the ALJ issued the subject ID, granting the motion. No petitions for review have been filed. The Commission has determined not to review the subject ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and of section 210.42(h) of the Commission’s Rules of Practice and Procedure (19 CFR § 210.42(h)).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: January 22, 2008