

**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 TO  
TERMINATE THE INVESTIGATION AS TO U.S. NIUTANG CHEMICAL, INC., WITH  
RESPECT TO U.S. PATENT NO. 5,498,709**

**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. 40) granting complainants' motion to terminate the investigation as to U.S. Niantang Chemical, Inc., with respect to U.S. Patent No. 5,498,709.

**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; 5,034,551; 4,980,463; 5,498,709 ("the '709

patent”); and 7,049,435. The notice of investigation named twenty-four firms as respondents.

On January 11, 2008, Tate & Lyle filed a motion for termination of the investigation as to respondent U.S. Niutang Chemical, Inc., with respect to the ‘709 patent. 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: June 12, 2008