

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN POWER SUPPLIES

Investigation No. 337-TA-646

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION FINDING RESPONDENTS ATNG POWER CO., LTD., SUNBEAM
COMPANY, AND SUNBEAMTECH INC. IN DEFAULT**

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 presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 17) finding respondents ATNG Power Co., Ltd., Sunbeam Company, and Sunbeamtech Inc. in default.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. 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 at <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: The Commission instituted this investigation on May 8, 2008, based on a complaint filed by Ultra Products, Inc. of Fletcher, Ohio and Systemax Inc. of Port Washington, New York (collectively "Ultra"). *73 Fed. Reg.* 26144-5 (May 8, 2008). The complaint, as amended and supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 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 power supplies by reason of infringement of certain claims of U.S. Patent No. 7,133,293. The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named a number of respondents, including ATNG Power Co., Ltd. (aka I Horng Power Co., Ltd.) of

Taipei, Taiwan (“ATNG”); Sunbeam Company of Taipei, Taiwan (“Sunbeam”); and Sunbeamtech Inc. of Hacienda Heights, California (“Sunbeamtech”). On July 21, 2008, the Commission determined not to review an ID granting Ultra’s motion for leave to amend the complaint and notice of investigation to add a respondent, Super Flower Computer, Inc. 73 Fed. Reg. 42365-6 (July 21, 2008).

On October 23, 2008, Ultra filed under Commission Rule 210.16 a motion for an order to show cause and default judgment against ATNG, Sunbeam, and Sunbeamtech based on these three respondents’ failure to respond to the Complaint and Notice of Investigation. On November 14, 2008, the ALJ issued an order to show cause (Order No. 15) why ATNG, Sunbeam, and Sunbeamtech should not be found in default. No responses to the order to show cause were filed by the deadline date.

On December 11, 2008, the ALJ issued the subject ID, finding that ATNG, Sunbeam, and Sunbeamtech were in default, and thus have waived their right to appear, to be served with documents, and to contest the allegations at issue in the investigation. No petitions for review of this ID were filed.

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 section 210.42 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: January 8, 2009