

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

In the Matter of

**CERTAIN SHORT-WAVELENGTH  
LIGHT EMITTING DIODES, LASER  
DIODES AND PRODUCTS  
CONTAINING SAME**

**Inv. No. 337-TA-640**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION TERMINATING THE INVESTIGATION AS TO RESPONDENT  
OPTO TECH CORPORATION; ISSUANCE OF A 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 an initial determination (“ID”) (Order No. 29) of the presiding administrative law judge (“ALJ”) terminating the investigation as to respondent Opto Tech Corporation (“Opto Tech”) based on a proposed stipulation and consent order.

**FOR FURTHER INFORMATION:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3152. Copies of the ID and all other nonconfidential 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. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. 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>.

**SUPPLEMENTARY INFORMATION:** On March 25, 2008, the Commission instituted an investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, based on a complaint filed by Gertrude Neumark Rothschild of Hartsdale, New York (“Rothschild”), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain short-wavelength light emitting diodes, laser diodes

and products containing same that infringe certain claims of U.S. Patent No. 5,252,499. *73 Fed. Reg.* 1575 (March 25, 2008). The complainant named numerous entities as respondents.

On July 2, 2008, complainant Rothschild moved to terminate the investigation as to respondent Opto Tech based on a proposed stipulation and consent order pursuant to Commission rule 210.21(c)(1)(ii), 19 C.F.R. §§210.21(c)(1)(ii).

On July 14, 2008, the ALJ issued Order No. 29 terminating the investigation as to respondent Opto Tech. On 17, 2008, the ALJ issued a corrected Order No. 29. No petitions for review were filed.

The Commission has determined not to review the ID as corrected.

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

By order of the Commission.

/s/  
Marilyn R. Abbott  
Secretary to the Commission

Issued: August 8, 2008