

**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  
EXCEED PERSEVERANCE ELECTRONIC IND. CO., LTD. FROM THE  
INVESTIGATION**

**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. 24) of the presiding administrative law judge (“ALJ”) terminating the investigation as to respondent Exceed Perseverance Electronic Ind. Co., Ltd. (“Exceed”) based on a settlement agreement.

**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 May 13, 2008, complainant Rothschild and respondent Exceed jointly moved to terminate the investigation as to Exceed based on a settlement agreement pursuant to Commission rules 210.21(a)(2) and 210.21(b), 19 C.F.R. §§210.21(a)(2) and 210.21(b).

On July 10, 2008, the ALJ issued Order No. 24 terminating the investigation as to respondent Exceed. No petitions for review 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(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: July 30, 2008