

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 INITIAL
DETERMINATIONS TERMINATING THE INVESTIGATION AS TO RESPONDENTS
HITACHI LTD. AND MATSUSHITA ELECTRIC CO. LTD.**

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 initial determinations (“IDs”) (Order No. 56 and Order No. 57, as corrected) of the presiding administrative law judge (“ALJ”) terminating the investigation as to respondents Hitachi Ltd. and Matsushita Electric Co., Ltd., respectively.

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 January 21, 2009, complainant Rothschild and respondent Hitachi Ltd. (“Hitachi”) jointly moved to terminate the investigation as to Hitachi based on a settlement agreement pursuant to Commission rule 210.21(a)(2) and 210.21(b)(1). On the same day, Rothschild and respondent Matsushita Electric Co., Ltd. (“Matsushita”) filed a joint motion to terminate the investigation as to Matsushita based on a settlement agreement pursuant to Commission rules 210.21(a)(2) and 210.21(b)(1).

On February 5, 2009, the ALJ issued the subject IDs, separately granting the joint motions for termination as to Hitachi (Order No. 56) and Matsushita (Order No. 57). On February 11, 2009, the ALJ corrected Order No. 57. No petitions for review of either ID were filed.

The Commission has determined not to review Order No. 56 and Order No. 57, 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: March 10, 2009