

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

In the Matter of

**CERTAIN LIGHT EMITTING DIODE
CHIPS, LASER DIODE CHIPS AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-674

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION FINDING RESPONDENT TOYOLITE TECHNOLOGIES CORP.
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 an initial determination (“ID”) (Order No. 18) of the presiding administrative law judge (“ALJ”) finding respondent Toyolite Technologies Corp. (“Toyolite”) in default.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3115. 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 April 6, 2009, based on a complaint filed on March 2, 2009, by Gertrude Neumark Rothschild of Hartsdale, New York. 74 *Fed. Reg.* 15520-21 (April 6, 2009). The complaint 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 light emitting diodes chips, laser diode chips, and products containing same by reason of infringement of certain claims of U.S. Patent No. 5,252,499. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337. The complaint names numerous entities as respondents.

On June 10, 2009, the ALJ issued Order No. 7 ordering respondent Toyolite to show cause, no later than July 6, 2009, why it should not be found in default, pursuant to Commission rule 210.16(a)(1), for failure to provide an adequate response to the complaint and notice of investigation. Toyolite responded to Order No. 7 in a letter dated June 23, 2009. According to the ALJ, the supervisory attorney in the Commission's Docket Services Office notified Toyolite on June 25, 2009, that said letter did not comply with the procedural requirements set forth in the Code of Federal Regulations for filing of documents with the Commission. No further communication from Toyolite has been received.

On September 10, 2009, the ALJ issued an ID (Order No. 18) finding Toyolite in default, pursuant to Commission rule 210.16(a)(1), for failure to provide an adequate response to the complaint and notice of investigation. No party petitioned for review of the ID, and the Commission has determined not to review it.

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 sections 210.21 and 210.42(h) of the Commission's Rules of Practice and Procedure, 19 C.F.R. §§ 210.21, 210.42(h).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: September 29, 2009