

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 TERMINATING THE INVESTIGATION
AS TO ONE RESPONDENT**

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. 9) of the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation as to Visual Photonics Epitaxy Co. Ltd. (“VPE”) based on a consent order and stipulation.

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 respondents, including VPE of Taoyuan, Taiwan.

The ALJ consolidated the subject investigation with Inv. No. 337-TA-640, *Certain Short-Wavelength Light Emitting Diodes, Laser Diodes and Products Containing Same*, on May 19, 2009.

On April 20, 2009, respondent VPE moved to terminate the investigation as to VPE on the basis of a consent order and stipulation. Complainant opposed the motion, and the Commission investigative attorney supported the motion.

The ALJ issued the subject ID on June 19, 2009, granting the motion for termination. He found that Commission rule 210.21(c)(ii) provides that motions to terminate an investigation on the basis of a consent order and stipulation may be filed unilaterally by one or more respondents. He also found that VPE had complied with all the requirements of Commission rule 210.21(c)(ii). The ALJ stated that he was unaware of any reason why termination of VPE based on a consent order would not be in the public interest. *See* Commission rule 210.50(b). 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: July 15, 2009