

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

**In the Matter of**

**CERTAIN RECHARGEABLE  
LITHIUM-ION BATTERIES,  
COMPONENTS THEREOF, AND  
PRODUCTS CONTAINING SAME**

**Investigation No. 337-TA-600**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN  
INITIAL DETERMINATION FINDING RESPONDENT TOTAL MICRO  
TECHNOLOGIES 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”) of the presiding administrative law judge (“ALJ”) (Order No. 15) in the above-captioned investigation finding respondent Total Micro Technologies, Inc. (“Total Micro”) in default.

**FOR FURTHER INFORMATION CONTACT:** Paul M. Bartkowski, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5432. 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:** This investigation was instituted on April 27, 2007, based on a complaint filed by 3M Company and 3M Innovative Properties Company of St. Paul, Minnesota (collectively "3M"). 72 Fed. Reg. 21,050 (April 27, 2006). The complaint, as amended and supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain rechargeable lithium-ion batteries, components thereof, and products containing the same by reason of infringement of one or more of claims 1, 2, 13, and 15-19 of U.S. Patent No. 6,964,828 ("the '828 patent") and claims 10, 15, 16, and 22 of U.S. Patent No. 7,078,128 ("the '128 patent"). The amended complaint also alleges that a domestic industry exists with regard to the '828 and '128 patents under 19 U.S.C. § 1337 subsections (a)(2) and (a)(3). The amended complaint names Sony Corporation and Sony Electronics, Inc. (collectively, "Sony"); Lenovo Group Ltd. (Hong Kong) and Lenovo Group Inc. (USA) (collectively, "Lenovo"); CDW Corporation; Batteries Com, LLC ("Batteries Com"); Hitachi Koki USA, Ltd.; Matsushita Industrial Electric Co., Ltd. ("Matsushita"); Panasonic Corporation of North America ("Panasonic"); Total Micro Technologies Inc.; and Sanyo Electric Co., Ltd. as the proposed respondents. The amended complaint requests that the Commission institute an investigation pursuant to section 337 and, after the investigation, issue a permanent exclusion order and cease and desist orders. Subsequently, respondents Matsushita, Panasonic, Batteries Com, Lenovo, and Sony were terminated from the investigation on the basis of settlement agreements. None of those determinations were reviewed by the Commission.

On September 21, 2007, the ALJ issued the subject ID finding Total Micro in default for failure to respond to the Complaint or Notice of Investigation and for failing to respond to Order No. 12, which ordered Total Micro to show why it should not be found in default. No petitions for review were filed. The Commission has determined not to review the subject 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 210.16, 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.21, 210.42).

By order of the Commission.

/s/

William R. Bishop  
Acting Secretary to the Commission

Issued: October 10, 2007