

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SHORT-WAVELENGTH
LIGHT EMITTING DIODES, LASER
DIODES AND PRODUCTS
CONTAINING SAME**

Inv. No. 337-TA-640

In the Matter of

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

Inv. No. 337-TA-674

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION SETTING A TARGET DATE FOR COMPLETION OF THE
CONSOLIDATED 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. 74) of the presiding administrative law judge (“ALJ”) setting a target date for completion of the consolidated investigation.

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 investigation No. 337-TA-640 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 (“the ‘499 patent”). *73 Fed. Reg.* 1575 (March 25, 2008). The complainant named numerous entities as respondents.

On April 6, 2009, the Commission instituted investigation No. 337-TA-674 under section 337 of the Tariff Act of 1930, 19 U.S.C. §1337, based on a complaint filed by Rothschild, alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain light emitting diode chips, laser diode chips and products containing same that infringe certain claims of the ‘499 patent. *74 Fed. Reg.* 15520 (April 6, 2009). The complainant named numerous entities as respondents.

The ALJ consolidated the two investigations on May 19, 2009. *See* Order No.73 in Inv. 337-TA-640 and Order No. 4 in Inv. 337-TA-674. On the same day, the ALJ issued Order No. 74 setting a target date of Monday, June 7, 2010, for completion of the consolidated investigation. No petitions for review of Order No. 74 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.

Marilyn R. Abbott
Secretary to the Commission

Issued: June 12, 2009