

**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**

**Investigation No. 337-TA-640**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW INITIAL  
DETERMINATIONS TERMINATING THE INVESTIGATION AS TO RESPONDENTS  
LITE-ON TECHNOLOGY CORP. AND KINGBRIGHT ELECTRONIC 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 the presiding administrative law judge's ("ALJ") initial determinations ("IDs") (Order No. 43 and Order No. 44) terminating the investigation as to respondents Lite-On Technology Corp. and Kingbright Electronic Co., Ltd., respectively.

**FOR FURTHER INFORMATION CONTACT:** Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. 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 March 25, 2008, based on a complaint filed by Gertrude Neumark Rothschild of Hartsdale, New York ("Rothschild"). *73 Fed. Reg.* 1575 (March 25, 2008). The complaint, as supplemented, alleges a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, 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 the same by reason of infringement of U.S. Patent No. 5,252,499. The original complaint, as supplemented, named numerous respondents, including Lite-On Technology Corp. of Taipei, Taiwan ("Lite-On") and Kingbright Electronic Co., Ltd. of Taipei, Taiwan ("Kingbright").

On September 17, 2008, Rothschild and Kingbright jointly moved to terminate the investigation as to Kingbright by stipulation and consent order and settlement agreement pursuant to Commission rule 210.21(c)(1)(2)(ii). No respondents responded to the motion. The Commission investigative attorney (“IA”) filed a response on September 26, 2008, supporting the motion. On September 29, 2008, Rothschild and Lite-On filed a joint motion to terminate the investigation as to Lite-On by settlement agreement pursuant to Commission rules 210.21(a)(2) and 210.21(b)(1). No respondents responded to the motion. The IA filed a response on October 9, 2008, supporting the motion.

On October 31, 2008, the ALJ issued the subject IDs, separately granting the joint motions for termination as to Lite-On (Order No. 43) and Kingbright (Order No. 44). No petitions for review of either ID were filed.

The Commission has determined not to review the IDs.

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 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

/s/  
William R. Bishop  
Acting Secretary to the Commission

Issued: November 19, 2008