

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

In the Matter of

**CERTAIN TUNABLE LASER CHIPS,
ASSEMBLIES, AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-662

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO
CERTAIN RESPONDENTS**

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 under section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) as to certain respondents based on a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. 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 December 19, 2008 based on a complaint filed on November 7, 2008, by JDS Uniphase Corporation (“JDSU”) of Milpitas, California. 73 *Fed. Reg.* 77839-40 (December 19, 2008). 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 tunable laser chips, assemblies, and products containing same by reason of infringement of certain claims of U.S. Patent Nos. 6,658,035 and 6,687,278. The complaint named numerous respondents including Tellabs, Inc. (“Tellabs”) of Naperville, Illinois; Adva Optical Networking (“Adva”) of Germany; Ciena Corp. (“Ciena”) of Linthicum, Maryland; and Nortel Networks Corp. (“Nortel”) of Canada. The complaint further

alleged that an industry in the United States exists as required by subsection (a)(2) of section 337.

On January 9, 2009, complainant JDSU moved to terminate the investigation as to respondents Tellabs, Adva, Ciena, and Nortel on the basis of a settlement agreement.

The ALJ issued the subject ID on January 30, 2009, granting complainant's motion for termination. No party petitioned for review of the ID pursuant to 19 C.F.R. § 210.43(a), and the Commission found no basis for ordering a review on its own initiative pursuant to 19 C.F.R. § 210.44. 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 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: February 24, 2009