

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

**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  
MOTOROLA, INC.**

**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. 6) of the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation as to Motorola, Inc. (“Motorola”) 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 April 6, 2009, based on a complaint filed on March 2, 2009, by Gertrude Neumark Rothschild (“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 Motorola, Inc. (“Motorola”) of Schaumburg, Illinois.

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, complainant Rothschild and respondent Motorola moved to terminate the investigation as to Motorola on the basis of a settlement agreement. The Commission investigative attorney filed a response in support of the motion.

The ALJ issued the subject ID on June 3, 2009, granting the joint motion for termination. He found that the motion for termination satisfies Commission rules 210.21(a)(2), (b). He further found, pursuant to Commission rule 210.50(b)(2), that termination of this investigation by settlement agreement as to Motorola is in the public interest. No party petitioned for review of the ID. 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.  
Marilyn R. Abbott, Secretary

William R. Bishop  
Acting Secretary to the Commission

Issued: June 29, 2009