

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 TWO
INITIAL DETERMINATIONS TERMINATING THE INVESTIGATION
AS TO TWO 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 two initial determinations (“IDs”) (Order Nos. 11 and 12) of the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation as to Pioneer Corporation (“Pioneer”) and Formosa Epitaxy Incorporation (“FOREPI”) based on respective settlement agreements.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3115. 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 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.

On June 2, 2009, complainant Rothschild and respondent Pioneer jointly moved to terminate the investigation as to Pioneer based on a settlement agreement pursuant to Commission rule 210.21(a)(2) and 210.21(b)(1). On June 3, 2009, Rothschild and respondent FOREPI filed a joint motion to terminate

the investigation as to FOREPI based on an agreement that resolves complainant's claims asserted in this proceeding against FOREPI, pursuant to Commission rules 210.21(a)(2) and 210.21(b)(1). The Commission investigative attorney supported each of the two motions.

On July 2, 2009, the ALJ issued two IDs, separately granting the joint motions for termination as to Pioneer (Order No. 11) and FOREPI (Order No. 12). No party petitioned for review of the IDs, and the Commission has determined not to review them.

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 to the Commission

William R. Bishop
Acting Secretary to the Commission

Issued: July 28, 2009