

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

In the Matter of

CERTAIN POWER SUPPLIES

Investigation No. 337-TA-646

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION WITH RESPECT TO
RESPONDENTS HIPER USA AND HIPER UK**

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 determination ("ID") (Order No. 6) granting the joint motion of complainants Ultra Products, Inc. and Systemax, Inc. and respondents High Performance Group Inc. and High Performance Enterprise PLC to terminate the investigation with respect to respondents High Performance Group Inc. and High Performance Enterprise PLC based on a consent order.

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) 205-1999. 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 May 8, 2008, based on a complaint filed by Ultra Products, Inc. of Fletcher, Ohio and Systemax Inc. of Port Washington, New York (collectively "Ultra"). 73 *Fed. Reg.* 26144-5 (May 8, 2008). The complaint, as amended and supplemented, 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 power supplies by reason of infringement of certain claims of U.S. Patent No. 7,133,293. The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named Aerocool Advanced, Technologies Corporation of Taipei Hsien, Taiwan; Langers, Inc. d/b/a/

Aerocool US of Fremont, California; Andyson International Co. of Taipei, Taiwan; Atng Power Co., Ltd. a/k/a I Horng, Power Co., Ltd of Taipei Hsien, Taiwan; Coolmax Technology Inc. of Taipei, Taiwan; Enermax Technology Corporation of Taoyuan, Taiwan; Enermax USA Corporation of City of Industry, California; High Performance Enterprise PLC (“Hiper UK”), d/b/a High Performance Group or Hiper Group of Milton Keynes, United Kingdom; High Performance Group Inc. (“Hiper USA”), d/b/a Hight Performance Group or Hiper Group of San Mateo, California; KWI Technology Inc. d/b/a Kingwin of City of Industry California; San Hawk Technic Co. Ltd., a/k/a/ Sky Hawk Group of Taipei Taiwan; Eagle Technology Inc., a/k/a Sky Hawk USA or Eagle Tech of City of Industry, California; Sunbearn Company of Taipei City, Taiwan; and Sunbearntech, Inc. of Hacienda Heights, California as respondents.

On June 13, 2008, Ultra and respondent Hiper USA filed a joint motion for termination of the investigation as to Hiper USA based on a consent order. On June 25, 2008, the Commission Investigative Attorney (“IA”) filed a response in support of the motion. Also on June 13, 2008, Ultra and respondent Hiper UK filed a joint motion for termination of the investigation as to Hiper UK based on a consent order. The IA filed a response in support of the motion on June 25, 2008.

On June 27, 2008, the ALJ issued the subject ID granting the joint motions for termination as to respondents Hiper USA and Hiper UK. The ALJ found that the consent order stipulation complied with the requirements of Commission Rule 210.21(c)(3) (19 C.F.R. § 210.21(c)(3)). The ALJ also concluded that, pursuant to Commission Rule 210.50(b)(2) (19 C.F.R. § 210.50(b)(2)), there is no evidence that termination of this investigation would be contrary to the public interest. No petitions for review of this ID 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 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: July 16, 2008