

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

In the Matter of

**CERTAIN RECHARGEABLE
LITHIUM-ION BATTERIES,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-600

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO RESPONDENT
BATTERIES COM, LLC ON THE BASIS OF A SETTLEMENT AGREEMENT AND
CONSENT ORDER**

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”) of the presiding administrative law judge (“ALJ”) (Order No. 9) in the above-captioned investigation terminating this investigation as to respondent Batteries Com, LLC on the basis of a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Christal A. Sheppard, Esq., 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: This investigation was instituted on April 27, 2007, based on a complaint filed by 3M Company and 3M Innovative Properties Company of St. Paul, Minnesota (collectively "3M"). 72 *Fed. Reg.* 21,050 (April 27, 2006). The complaint, as amended and supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain rechargeable lithium-ion batteries, components thereof, and products containing the same by reason of infringement of one or more of claims 1, 2, 13, and 15-19 of U.S. Patent No. 6,964,828 ("the ‘828 patent") and claims 10, 15, 16, and 22 of U.S. Patent No. 7,078,128 ("the ‘128 patent"). The amended complaint also alleges that a domestic industry exists with regard to the ‘828 and ‘128 patents under 19 U.S.C. § 1337 subsections (a)(2) and (a)(3). The amended

complaint names Sony Corporation; Sony Electronics, Inc.; Lenovo Group Limited (Hong Kong); Lenovo (United States) Inc.; CDW Corporation; Batteries Com, LLC (“BC”); Hitachi Koki USA, Ltd.; Matsushita Industrial Electric Co., Ltd.; Panasonic Corporation of North America; Total Micro Technologies Inc.; and Sanyo Electric Co., Ltd. as the proposed respondents. The amended complaint requests that the Commission institute an investigation pursuant to section 337 and, after the investigation, issue a permanent exclusion order and cease and desist orders.

On April 30, 2007, the presiding ALJ issued an ID (Order No. 2) setting the target date in this investigation at 19 months, *i.e.*, November 28, 2008. The Commission did not review that determination.

On June 27, 2007, the ALJ issued an ID (Order No. 5) terminating this investigation pursuant to Commission rule 210.21(b) as to respondents Matsushita Industrial Electric Co., Ltd. and Panasonic Corporation of North America. The Commission did not review that determination.

On July 30, 2007, the ALJ issued the subject ID (Order No. 9) terminating this investigation, as to respondent BC, pursuant to Commission rule 210.21(b)-(c). The ALJ determined that the motion complied with the Commission's Rules regarding termination based upon a settlement agreement and that the termination of this investigation as to BC did not impose any undue burdens on the public health and welfare, competitive conditions in the United States economy or United States consumers. No petitions for review of the ID were filed, and 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 210.21, 210.42 of the Commission’s Rules of Practice and Procedure (19 C.F.R. §§ 210.21, 210.42).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: August 16, 2007