

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

**In the Matter of**

**CERTAIN SINTERED RARE EARTH  
MAGNETS, METHODS OF MAKING SAME  
AND PRODUCTS CONTAINING SAME**

**Investigation No. 337-TA-855**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING AN UNOPPOSED MOTION BY COMPLAINANTS TO  
TERMINATE CERTAIN CLAIMS FROM THE INVESTIGATION BASED UPON  
WITHDRAWAL OF ALLEGATIONS FROM THE COMPLAINT**

**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. 109) granting an unopposed motion to terminate the investigation as to (1) claims 8 and 11 of the '565 patent, claim 13 of the '765 patent, and claims 1-3 and 7-10 of the '385 patent as to all respondents; (2) claims 1, 2, 5, 9, and 10 of the '565 patent with respect to respondent Yantai Zhenghai Magnetic Material Co. Ltd. of Yantai, China ("Yantai Magnetic"); and (3) all claims against rare earth magnets that are not sintered Neodymium-Iron-Boron magnets.

**FOR FURTHER INFORMATION CONTACT:** Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3042. 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 September 21, 2012, based on a complaint filed by Hitachi Metals, Ltd. of Tokyo, Japan and Hitachi Metals North Carolina, Ltd. of China Grove, North Carolina (collectively, "Hitachi

Metals”). 77 *Fed. Reg.* 58578 (Sept. 21, 2012). The complaint alleged 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 sintered rare earth magnets, methods of making same and products containing same by reason of infringement of certain claims of United States Patent Nos. 6,461,565 (“the ’565 patent”); 6,491,765 (“the ’765 patent”); 6,527,874 (“the ’874 patent”); and 6,537,385 (“the ’385 patent”). The notice of investigation named several entities as respondents, including Yantai Magnetic.

On May 10, 2013, Hitachi Metals filed an unopposed motion to terminate the investigation as to (1) claims 8 and 11 of the ’565 patent, claim 13 of the ’765 patent, and claims 1-3 and 7-10 of the ’385 patent; (2) claims 1, 2, 5, 9, and 10 of the ’565 patent with respect to respondent Yantai Magnetic; and (3) all claims against rare earth magnets that are not sintered Neodymium-Iron-Boron magnets. On May 15, 2013, the Commission investigative attorney filed a response in support of the motion. No other responses to the motion were filed.

On May 22, 2013, the ALJ issued the subject ID, granting the motion. The ALJ found that the motion complied with the requirements of Commission Rule 210.21(a) (19 C.F.R. § 210.21(a)) and that no extraordinary circumstances prohibited granting the motion. None of the parties 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 section 210.42 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.



Lisa R. Barton  
Acting Secretary to the Commission

Issued: June 7, 2013