

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN LIGHT-EMITTING DIODES
AND PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-785

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING SAMSUNG RESPONDENTS FROM THE
INVESTIGATION PURSUANT TO SETTLEMENT**

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 Nos. 37 and 37A) of the presiding administrative law judge (“ALJ”) terminating the investigation as to respondents Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung LED Co., Ltd., and Samsung LED America, Inc. (collectively, “the Samsung respondents”) 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 July 11, 2011, based on two complaints filed by OSRAM AG of Germany. 76 *Fed. Reg.* 40746-47. The complaints allege violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of certain claims of U.S. Patent Nos. 6,459,130; 6,927,469; 7,199,454; and 7,427,806 (“the terminated patents”); and 6,812,500; 7,078,732; 7,126,162 (“the ’162 patent”); 7,345,317 (“the ’317 patent”); and 7,629,621. The complaints further allege the existence of a domestic industry. The Commission’s notice of investigation named the following respondents: LG Electronics, Inc. and LG Innotek Co., Ltd., both of Seoul, South Korea; LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey; and LG Innotek U.S.A., Inc. of San Diego, California (collectively, “the LG respondents”); Samsung Electronics Co., Ltd. of

Gyeonggi-do, Korea; Samsung LED Co., Ltd. of Gyeonggi Province, Korea; Samsung Electronics America, Inc. of Ridgefield Park, New Jersey; and Samsung LED America, Inc. of Atlanta, Georgia (collectively, "the Samsung respondents"). The '317 patent, claim 15 of the '162 patent, and the terminated patents were later withdrawn from the investigation.

On June 4, 2012, complainant and the Samsung respondents moved to terminate the investigation as to the Samsung respondents based on a settlement agreement. The LG respondents opposed complainant's and the Samsung respondents' request to withhold a full and complete copy of their agreement from the LG respondents, and no other party filed a response.

The ALJ issued the subject ID on August 29, 2012, granting the motion for termination as to the Samsung respondents. Specifically, the ALJ issued Order No. 37 which contained full information for the Commission, and Order No. 37A which was semi-redacted for the non-settling respondents. He found that the motion for termination by settlement agreement satisfied Commission Rules 210.21(a) and (b). He further found, pursuant to Commission rule 210.50(b)(2), that termination of this investigation as to the Samsung respondents by settlement agreement 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.

A handwritten signature in black ink, appearing to read "Lisa R. Barton", written in a cursive style.

Lisa R. Barton
Acting Secretary to the Commission

Issued: September 24, 2012