NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING COMPLAINANT’S MOTION FOR
PARTIAL SUMMARY DETERMINATION TO DISMISS AN AFFIRMATIVE
DEFENSE


ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has
determined not to review an initial determination ("ID") (Order No. 14) of the presiding
administrative law judge ("ALJ") granting complainant’s motion for partial summary
determination to dismiss an affirmative defense.

FOR FURTHER INFORMATION: Michael Liberman, Esq., Office of the General Counsel,
U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone
202-205-3152. Copies of the ID and all other nonconfidential 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. Hearing-impaired persons are
advised that information on this matter can be obtained by contacting the Commission's TDD
terminal on 202-205-1810. General information concerning the Commission may also be
obtained by accessing its Internet server (http://www.usitc.gov). The public record for this
investigation may be viewed on the Commission's electronic docket (EDIS) at

SUPPLEMENTARY INFORMATION: On December 8, 2005, the Commission instituted an
investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, based on a
complaint filed by Lumileds Lighting U.S., LLC of San Jose, California ("Lumileds"), alleging a
violation of section 337 in the importation, sale for importation, and sale within the United States
after importation of certain high-brightness light emitting diodes or products containing same by
reason of infringement of one or more of claims 1 and 6 of U.S. Patent No. 5,008,718 ("the ‘718


The Commission has determined to deny Epistar’s petition and not to review Order No. 14.


By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: May 15, 2006