

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 A JOINT MOTION TO TERMINATE THE
INVESTIGATION AS TO RESPONDENT VIONA CORP. BASED UPON A CONSENT
ORDER STIPULATION AND SETTLEMENT AGREEMENT; ISSUANCE OF A
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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 77) granting a joint motion to terminate Respondent Viona Corp. of Syosset, New York ("Viona") from the investigation based upon the entry of a consent order and a settlement agreement.

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; 6,491,765; 6,527,874; and 6,537,385. The notice of investigation named several entities as respondents, including Viona.

On February 20, 2013, Hitachi Metals and Viona filed a joint motion to terminate the investigation as to Viona based upon the entry of a consent order and a settlement agreement. On February 28, 2013, the Commission investigative attorney filed a response in support of the motion. No other responses to the motion were filed.

On March 12, 2013, the ALJ issued the subject ID, granting the joint motion to terminate Viona from the investigation. The ALJ found that the consent order stipulation complies with the requirements of Commission Rule 210.21(c)(3) (19 C.F.R. § 210.21(c)(3)) and that the settlement agreement complies with the requirements of Commission Rule 210.21(b) (19 C.F.R. § 210.21(b)). The ALJ also concluded that terminating Viona from the investigation would not be contrary to the public interest. None of the parties petitioned for review of the ID.

The Commission has determined not to review the ID and to issue a consent order.

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.

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: March 27, 2013