In the Matter of

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

NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL DETERMINATION GRANTING A JOINT MOTION TO TERMINATE THE INVESTIGATION AS TO RESPONDENT MAXON PRECISION MOTORS, INC. BASED UPON A SETTLEMENT AGREEMENT


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. 108) granting a joint motion to terminate Maxon Precision Motors, Inc. of Fall River, Massachusetts (“Maxon”) from the investigation based upon 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 Maxon.

On May 10, 2013, Hitachi Metals and Maxon filed a joint motion to terminate the investigation as to Maxon based upon a settlement agreement. 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 16, 2013, the ALJ issued the subject ID, granting the joint motion to terminate Maxon from the investigation. The ALJ found that the settlement agreement complies with the requirements of Commission Rule 210.21(b) (19 C.F.R. § 210.21(b)) and that terminating Maxon 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.


By order of the Commission.

Lisa R. Barton
Acting Secretary to the Commission

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