

**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 DEWALT INDUSTRIAL TOOL CO. BASED  
UPON A SETTLEMENT AGREEMENT**

**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. 98) granting a joint motion to terminate DeWALT Industrial Tool Co. of Towson, Maryland ("DeWALT") 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 DeWALT.

On April 26, 2013, Hitachi Metals and DeWALT filed a joint motion to terminate the investigation as to DeWALT based upon a settlement agreement. On May 2, 2013, the Commission investigative attorney filed a response in support of the motion. No other responses to the motion were filed.

On May 6, 2013, the ALJ issued the subject ID, granting the joint motion to terminate DeWALT 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 DeWALT 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.

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: May 28, 2013