

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of)

CERTAIN ENDOSCOPIC PROBES)
FOR USE IN ARGON PLASMA)
COAGULATION SYSTEMS)

Inv. No. 337-TA-569

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION EXTENDING THE TARGET DATE AND ISSUING
NEW PROCEDURAL SCHEDULE**

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”) of the presiding administrative law judge (“ALJ”) extending the target date for completion of the investigation and issuing a new procedural schedule.

FOR FURTHER INFORMATION CONTACT: Jonathan J. Engler, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3112. Copies of the public version of the ID and all 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 <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION: This investigation was instituted by the Commission based on a complaint filed by ERBE Elektromedizin GmbH of Germany and ERBE USA, Inc. of Marietta, Georgia (collectively, "ERBE"). 71 Fed. Reg. 29386 (May 16, 2006). The complaint alleged violations of section 337 of the Tariff Act of 1930, 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 endoscopic probes for use in argon plasma coagulation systems by reason of infringement of 10 claims of U.S. Patent No. 5,720,745 (“the ‘745 patent”) and infringement of U.S. Supplemental Trademark Registration No. 2,637,630 (“the ‘630 registration”). The complaint also alleged that a domestic industry exists or is in the process of being established, with regard to the ‘745 patent and the ‘630 registration under section 337(a)(2). The notice of

investigation named Canady Technology, LLC of Hampton, Virginia ("Canady USA"); Canady Technology Germany GmbH of Germany ("Canady GmbH"); and KLS Martin GmbH & Co. KG of Germany ("KLS Martin") as the respondents. The complaint requested that the Commission institute an investigation pursuant to Section 337 and, after the investigation, issue a permanent exclusion order and a permanent cease and desist order.

On June 20, 2006, ERBE and KLS Martin filed a "Joint Motion to Terminate Investigation as to KLS Martin Based on a Settlement Agreement." On September 1, 2006, the ALJ issued an ID, Order No. 4, terminating the investigation as to KLS Martin on the basis of the settlement agreement. The Commission did not review that ID.

On April 17, 2007, the ALJ issued Order No. 15 requiring the parties to identify pertinent motions necessitating adjudication and also to propose a new procedural schedule. On April 26, 2007, the parties submitted a joint response to Order No. 15. On May 11, 2007, the ALJ issued the subject ID, Order No. 17, adopting the parties' joint proposed schedule and the new target date of April 3, 2008; however, the ALJ did not set dates for submission of post-hearing briefs. No petitions for review of the ID were filed.

The Commission has determined not to review the ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, and Commission rule 210.42, 19 C.F.R. § 210.42.

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: June 11, 2007

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