

Secretary for those parties authorized to receive BPI under the APO.

**Conference.** The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on October 12, 2007, at the U.S. International Trade Commission Building, 500 E Street, SW., Washington, DC. Parties wishing to participate in the conference should contact Olympia Hand (202-205-3182) not later than October 9, 2007, to arrange for their appearance. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

**Written submissions.** As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before October 17, 2007, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II (C) of the Commission's Handbook on Electronic Filing Procedures, 67 Fed. Reg. 68168, 68173 (November 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Authority:** These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: September 25, 2007.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E7-19183 Filed 9-27-07; 8:45 am]

**BILLING CODE 7020-02-P**

## **INTERNATIONAL TRADE COMMISSION**

**[Investigation No. 337-TA-604]**

### **In the Matter of Certain Sucralose, Sweeteners Containing Sucralose, and Related Intermediate Compounds Thereof; Notice of Commission Determination To Review and Vacate an Initial Determination Denying a Motion To Terminate the Investigation With Regard to Three Patents**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review and vacate an initial determination ("ID") (Order No. 11) of the presiding administrative law judge ("ALJ") in the above-captioned investigation denying a motion to terminate the investigation as to United States Patent Nos. 4,980,463, 5,470,969, and 5,034,551.

**FOR FURTHER INFORMATION CONTACT:**

James Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-2065. 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, SW., Washington, DC 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 May 10, 2007, based upon a complaint filed on behalf of Tate & Lyle Technology Ltd. of London, United Kingdom, and Tate & Lyle Sucralose, Inc. of Decatur, Illinois (collectively, "Tate & Lyle"). The complaint alleged a

violation of section 337(a)(1)(B) 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 sucralose, sweeteners containing sucralose, and related intermediate compounds thereof by reason of infringement of various claims of United States Patent Nos. 4,980,463 ("the '463 patent"), 5,470,969 ("the '969 patent"), 5,034,551 ("the '551 patent"), 5,498,709, and 7,049,435. The notice of investigation named twenty-five respondents.

On June 12, 2007, respondents Changzhou Niutang Chemical Plant Co., Ltd.; U.S. Niutang Chemical, Inc.; Garuda International Inc.; Guangdong Food Industry Institute; and L&P Food Ingredient Co., Ltd. (collectively, "Changzhou") filed a motion to terminate the investigation with respect to the '463 patent, the '969 patent, and the '551 patent. Several other respondents joined Changzhou's motion to terminate. Tate & Lyle opposed the motion. The Commission investigative attorney ("IA") supported the motion with respect to the '551 patent, but not with respect to the '463 patent or the '969 patent.

On August 8, 2007, the ALJ issued an ID (Order No. 11), denying Changzhou's motion to terminate the investigation with regard to the '463 patent, the '969 patent, and the '551 patent. The ALJ issued his order in the form of an ID under 19 CFR 210.42, pursuant to the notice of investigation. The complainants, certain respondents, and the Commission investigative attorney filed petitions for review of Order No. 11.

Having examined the record of this investigation, including the ALJ's ID and the submissions of the parties, the Commission has determined to review and vacate the ALJ's ID. The issues raised by Changzhou's motion, including whether the importation of the finished product alone (sucralose) constitutes a violation of section 337 based on the '463, '969, and '551 patents, and the ID, including whether trace amounts of an intermediate product or catalyst in the imported product can constitute a violation of section 337, may be addressed in the final initial determination (or earlier, if appropriate).

In addressing these issues, the parties and the ALJ should consider the following:

1. The amount of any subject product which has been or is currently being imported.

2. Whether there is a difference in effective scope between 35 U.S.C. 271(g)

and 19 U.S.C. 1337(a)(1)(B)(ii). Whether this question has been decided by *Kinik v. International Trade Commission*, 362 F.3d 1359, 1361–63 (Fed. Cir. 2004).

3. The language and legislative history of 19 U.S.C. 1337(a)(1)(B)(ii) and the language and legislative history of former section 337a (former 19 U.S.C. 1337a). The statements in *Amgen v. ITC*, 902 F.2d 1532 (Fed. Cir. 1990), as to “covered” and that former section 337a was reenacted as section 337(a)(1)(B)(ii) without a change in scope. Any special rule of statutory interpretation that should be applied given that former section 337a was enacted in response to *In re Amtorg Trading Corp.*, 75 F.2d 826 (CCPA 1935). The processes and patents in *In re Amtorg Trading Corp.* and in *In re Northern Pigment Co.*, 71 F.2d 447 (CCPA 1934), and the underlying Commission proceedings. The processes and patents in all Commission and related court proceedings involving process patents and section 337 before and after the enactment of former section 337a.

4. The Supreme Court’s recent decision in *Microsoft Corp. v. AT&T Corp.*, 550 U.S. (2007).

5. How the above cases may best be read in conjunction with each other.

The Commission has also determined to grant the investigative attorney’s motion for leave to file its petition for review out of time and to deny Tate & Lyle’s motion for oral argument on review as moot.

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 210.43–45 of the Commission’s Rules of Practice and Procedure (19 CFR 210.43–45).

By order of the Commission.

Issued: September 24, 2007.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E7–19168 Filed 9–27–07; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–564]

### In the Matter of Certain Voltage Regulators, Components Thereof and Products Containing Same; Notice of Commission Final Determination of Violation of Section 337; Termination of Investigation; Issuance of Limited Exclusion Order

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined that there is a violation of 19 U.S.C. 1337 by Advanced Analogic Technologies, Inc. (“AATI”) of Sunnyvale, California in the above-captioned investigation, and has issued a limited exclusion order directed against products of respondent AATI. The investigation is terminated.

**FOR FURTHER INFORMATION CONTACT:** Eric Frahm, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–3107. 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, SW., Washington, DC 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:** This investigation was instituted on March 22, 2006, based on a complaint filed by Linear Technology Corporation (“Linear”) of Milpitas, California. The complaint, as supplemented, 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 voltage regulators, components thereof and products containing the same, by reason of infringement of various claims of United States Patent No. 6,411,531 (“the ‘531 patent”) and United States Patent No. 6,580,258 (“the ‘258 patent”). The complaint named AATI as the sole respondent.

On May 22, 2007, the ALJ issued his final ID finding no violation of section 337. Specifically, he found that none of AATI’s accused products directly infringe the asserted claims of the ‘258 patent, and that one accused product directly infringed claims 4 and 26 of the ‘531 patent. He found that no indirect infringement had occurred in connection with any of the asserted claims of either patent. As to validity, the ALJ determined that claim 35 of the ‘258 patent and claims 4, 9, and 26 of the ‘531 patent are invalid due to

anticipation, rejecting other arguments of invalidity, unenforceability, and estoppel. The ALJ also determined that a domestic industry exists with regard to the ‘258 patent; but that there was no domestic industry with regard to the ‘531 patent, because of a failure to meet the technical prong of the domestic industry requirement. On May 30, 2007, the ALJ issued his Recommended Determination (“RD”) on remedy and bonding. Linear, AATI, and the Commission investigative attorney (“IA”) filed petitions for review of the ALJ’s ID.

On July 6, 2007, the Commission determined to extend the deadline for determining whether to review the subject final ID by fifteen (15) days, *i.e.*, to July 24, 2007. On July 24, 2007, the Commission determined to review the final ID in part. Specifically, the Commission made the following determinations. With respect to the ‘258 patent, the Commission determined (1) to review the ID concerning the issues of claim construction, infringement, and validity; and (2) not to review the remainder of the ID as to the ‘258 patent. With respect to the ‘531 patent, the Commission determined (1) to review the ID concerning the issue of whether asserted claim 9 of the ‘531 patent is invalid for anticipation by the Kase reference, and upon review to take no position as to that issue, and (2) not to review the remainder of the ID as to the ‘531 patent.

The Commission requested written submissions from the parties relating to the issues on review, and submissions on the appropriate remedy, whether the statutory public interest factors preclude issuance of that remedy, and the amount of bond to be imposed during the Presidential review period.

Having examined the record of this investigation, including the ALJ’s final ID, the Commission has determined to reverse-in-part the subject ID such that: (i) The ALJ’s construction of the terms in claims 2, 3, 34, and 35 of the ‘258 patent are modified; (ii) the ALJ’s conclusions on infringement of the ‘258 patent are reversed-in-part by reversing the ALJ’s finding of no literal infringement with respect to the sleep mode claims (asserted claims 2, 3, and 34) only as to representative product AAT1143, and affirming the ALJ’s finding of no infringement with respect to the reverse current claim (asserted claim 35); and (iii) the ALJ’s findings of validity of claims 2, 3, and 34 and of invalidity of claim 35 of the ‘258 patent are affirmed. The Commission determined not to reach the issue of indirect infringement. The Commission has determined that the appropriate