

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

**In the Matter of**

**CERTAIN HIGH-BRIGHTNESS LIGHT  
EMITTING DIODES AND PRODUCTS  
CONTAINING SAME**

**Investigation No. 337-TA-556**

2007 NOV -9 PM 3: 04

UNITED STATES  
INTERNATIONAL TRADE  
COMMISSION

**LIMITED EXCLUSION ORDER**

The Commission has determined that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the unlawful importation, sale for importation, and sale after importation by Epistar Co., Ltd. (“Epistar”) of high-brightness light emitting diodes that infringe claims 1 and 6 of U.S. Patent No. 5,008,718.

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of covered high-brightness light emitting diodes manufactured by or on behalf of Epistar, packaged LEDs containing the infringing high-brightness light emitting diodes, and boards primarily consisting of arrays of such packaged LEDs.

The Commission has determined that the public interest factors enumerated in 19 U.S.C. § 1337(d) do not preclude issuance of the limited exclusion order and that the

bond during the Presidential review period shall be in the amount of 100% of the entered value of each LED whether imported singly, packaged, or as part of a board.

Accordingly, the Commission hereby ORDERS that:

1. High-brightness light emitting diodes that are covered by one or more of claims 1 and 6 of U.S. Patent No. 5,008,718 and are manufactured abroad or imported by or on behalf of Epistar or any of its affiliated companies, parents, subsidiaries, contractors, or other related business entities, or their successors or assigns, including packaged LEDs containing the infringing LEDs and boards primarily consisting of arrays of such packaged LEDs, are excluded from entry for consumption into the United States, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, for the remaining term of the patent except under license of the patent owner as provided by law.

2. High-brightness light emitting diodes, including those incorporated into packaged LEDs, and boards primarily consisting of arrays of such packaged LEDs, described in paragraph 1 of this Order are entitled to entry for consumption into the United States, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, under bond in the amount of one hundred (100) percent of entered value for covered high-brightness light emitting diodes imported separately, in packages, or within boards, pursuant to subsection (j) of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(j), and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 *Fed. Reg.* 43251), from the day after this

Order is received by the United States Trade Representative until such time as she notifies the Commission that she approves or disapproves this action but, in any event, not later than sixty (60) days after the date of receipt of this action.

3. At the discretion of U.S. Customs and Border Protection (“CBP”) and pursuant to procedures it establishes, persons seeking to import high-brightness light emitting diodes, packaged LEDs or boards primarily consisting of arrays of such packaged LEDs that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraph 1 of this Order. At its discretion, CBP may require persons who have provided the certification described in this paragraph to furnish such records or analyses as are necessary to substantiate the certification.

4. In accordance with 19 U.S.C. § 1337(1), the provisions of this Order shall not apply to high-brightness light emitting diodes, packaged LEDs and boards primarily consisting of arrays of such packaged LEDs that are imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

5. The Commission may modify this Order in accordance with the procedures described in Rule 210.76 of the Commission’s Rules of Practice and Procedure, 19 C.F.R. § 210.76.

6. The Secretary shall serve copies of this Order upon each party of record in this investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and Customs and Border Protection.

7. Notice of this Order shall be published in the *Federal Register*.

By Order of the Commission.



Marilyn R. Abbott  
Secretary to the Commission

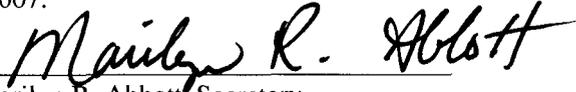
Issued: May 9, 2007

**CERTAIN HIGH-BRIGHTNESS LIGHT-EMITTING  
DIODES AND PRODUCTS CONTAINING SAME**

337-TA-556

**CERTIFICATE OF SERVICE**

I Marilyn R. Abbott, hereby certify that the attached **LIMITED EXCLUSION ORDER** has been served on upon the Commission Investigative Attorney Thomas S. Fusco, Esq., and all parties via first class mail and air mail where necessary on May 10, 2007.

  
Marilyn R. Abbott, Secretary  
U.S. International Trade Commission  
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