

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of)

CERTAIN LIGHT EMITTING DIODE)
CHIPS, LASER DIODE CHIPS AND)
PRODUCTS CONTAINING SAME)

Investigation No. 337-TA-674

Order No. 17: Regarding Witness Statements And Expert Reports

Responding to Order No. 73, which issued on May 19, 2009 in the consolidated investigation, complainant proposes that witness statements in lieu of live direct testimony should not be used, although it proposed that witness statements may be used to establish a witness's background and qualifications and for other non-controversial matters. It further proposed that expert reports and all exhibits thereto and/or charts, tables, summaries, etc. based on the same be admitted into evidence in order to make testimony more efficient and comprehensible.

Respondent Toshiba Corporation, responding to Order No. 73, does not believe that the use of witness statements will facilitate the hearing and does not believe that written expert reports can properly be submitted as evidence and believes that expert testimony should be live.


The staff, responding to Order No. 73, believes that live direct testimony (with time limits) will provide for a more complete record and also allow the administrative law judge to better evaluate credibility and hence favors live direct testimony in this investigation. Pursuant to ground rule 10(x), the staff represented that it will not be offering expert reports into evidence, and does not believe that such reports should be admitted into evidence.

Respondent Panasonic Corporation, responding to Order No. 73, proposed that witness

RECEIVED
OFC. OF THE SECRETARY
US INTL TRADE COMM
73 FEB - 4 PM 2009

statements not be used in lieu of live direct testimony, except to establish a witness's biographical data and for other non-controversial matters; and that a party should not be permitted to introduce an expert report as a substitute for, or in supplementation of, live testimony of its own expert, although it proposed that each party have the option of offering into evidence the expert reports of an opposing party, and any exhibits thereto, including charts, tables, summaries, etc.

Having considered the submissions of the parties responding to Order No. 73, witness statements may only be used for non-controversial matters with submission of such statements to the other parties before submission to the administrative law judge. Expert reports will not be received into evidence. However, exhibits etc. to expert reports may be offered into evidence provided the evidentiary record provides a basis for their admission. In addition, while expert reports will not be received into evidence, portions thereof may be read into the record if the credibility of a witness is in issue.


Paul J. Luckern
Administrative Law Judge

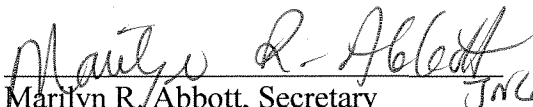
Issued: September 9, 2009

CERTAIN LIGHT EMITTING DIODE CHIPS, LASER DIODE
CHIPS AND PRODUCTS CONTAINING SAME

Inv. No. 337-TA-674

PUBLIC CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **Order** has been served by hand upon the Commission Investigative Attorney, Juan Cockburn, Esq., and the following parties as indicated, on September 9, 2009.


Marilyn R. Abbott, Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

**COUNSEL FOR COMPLAINANT GERTRUDE
NEUMARK ROTHSCHILD:**

Albert L. Jacobs, Jr., Esq.
TROUTMAN SANDARS LLP
The Crystal Building
405 Lexington Avenue
New York, NY 10174-0700
P-212-704-6000
F-212-704-6288

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

CERTAIN LIGHT EMITTING DIODE CHIPS, LASER DIODE
CHIPS AND PRODUCTS CONTAINING SAME

Inv. No. 337-TA-674

FOR RESPONDENT TOSHIBA CORPORATION:

Ronald L. Yin, Esq.
DLA PIPER US LLP
2000 University Drive
East Palo Alto, CA 94303

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

**FOR RESPONDENT ARIMA OPTOELECTRONICS
CORPORATION:**

Elizabeth A. Niemeyer, Esq.
**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP**
901 New York Avenue, NW
Washington, DC 20001
P-202-408-4000
F-202-408-4400

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

FOR RESPONDENT PANASONIC CORPORATION:

Steven J. Routh, Esq.
ORRICK, HERRINGTON & SUTCLIFFE LLP
Columbia Center
1152 15th Street, NW
Washington, DC 20005-1706
P-202-339-8400
F-202-339-8500

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

**FOR RESPONDENT TYNTEK CORPORATION;
TEKCORE CORPORATION:**

Elizabeth A. Niemeyer, Esq.
**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP**
901 New York Avenue, NW
Washington, DC 20001
P-202-408-4000
F-202-408-4400

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

CERTAIN LIGHT EMITTING DIODE CHIPS, LASER DIODE
CHIPS AND PRODUCTS CONTAINING SAME

Inv. No. 337-TA-674

**FOR RESPONDENT DALIAN LUMEI
OPTOELECTRONICS CORPORATION:**

Jean C. Edwards, Esq.
AKERMAN SENTERFITT
8100 Boone Boulevard
Suite 700
Vienna, VA 22182-2683
P-703-790-8750
F-703-394-1399

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

CERTAIN LIGHT EMITTING DIODE CHIPS, LASER DIODE
CHIPS AND PRODUCTS CONTAINING SAME

Inv. No. 337-TA-674

RESPONDENTS:

Toyolite Technologies Corporation
6F-2, No. 8 Ruiguang Road
NeiHu, Taipei
Taiwan

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

UniLite Corporation
No. 165, Shan Ying Road
Kwei Shan, Toayuan
Hsien, Taiwan

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

CERTAIN LIGHT EMITTING DIODE CHIPS, LASER DIODE
CHIPS AND PRODUCTS CONTAINING SAME

Inv. No. 337-TA-674

PUBLIC MAILING LIST

Heather Hall
LEXIS-NEXIS
9443 Springboro Pike
Miamisburg, OH 45342

- Via Hand Delivery
- ~~Via Overnight Mail~~
- Via First Class Mail
- Other: _____

Kenneth Clair
Thomson West
1100 Thirteen Street, NW, Suite 200
Washington, DC 20005

- Via Hand Delivery
- ~~Via Overnight Mail~~
- Via First Class Mail
- Other: _____