

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

_____)
In the Matter of)

CERTAIN PERSONAL COMPUTERS,)
MONITORS, AND COMPONENTS)
THEREOF)
_____)

Inv. No. 337-TA-519

**NOTICE OF COMMISSION DECISION TO EXTEND THE TARGET DATE FOR
COMPLETION OF THE INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the target date for completion of the above-captioned investigation until August 21, 2006.

FOR FURTHER INFORMATION CONTACT: Steven Crabb, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5432. 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 (<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 by the Commission on August 6, 2004, based on a complaint filed by Gateway, Inc. of Poway, California ("Gateway") under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337. 69 *Fed. Reg.* 47956. The complainant alleged violations of section 337 in the importation and sale of certain personal computers, monitors, and components thereof, by reason of infringement of three U.S. patents. The complainant named Hewlett-Packard Company ("HP") of Palo Alto, California as a respondent. Claims 9-11 and 15-19 of U.S. Patent No. 5,192,999 ("the '999 patent") remain at issue in this investigation.

On October 6, 2005, the presiding administrative law judge ("ALJ") issued a final initial

determination (“ID”) finding no violation of section 337. On December 1, 2005, the Commission issued notice that it had determined to: (1) review the ALJ's determination on induced infringement of claim 19 of the ‘999 patent and remand the issue to him for further factual findings and analysis; (2) review the ALJ's determination on obviousness solely for the purpose of clarifying the ID's discussion of *Sakraida v. AG Pro, Inc.*, 425 U.S. 273 (1976); (3) review the ALJ's determination on enablement; and (4) review the issue of inequitable conduct and remand the issue to him for further factual findings and analysis. The Commission did not review, and therefore adopted the remainder of the ID.

On December 5, 2005, the ALJ issued an ID (Order No. 51) extending the due date for the remand determination to January 12, 2006, and extending the target date for completion of the investigation by twenty-one days, or until February 27, 2006. On December 14, 2005, the Commission issued notice that it had determined not to review Order No. 51. Also on December 5, 2005, the ALJ issued an ID (Order No. 52) requesting briefing from the parties on the issues remanded to the ALJ by the Commission. All the parties to the investigation filed timely briefs on the issues remanded to the ALJ, and all parties filed timely responses to the briefs. On January 12, 2006, the ALJ issued his findings on remand.

On February 27, 2006, the Commission issued notice that it had determined to extend the target date for completion of this investigation by 30 days, or until March 29, 2006, and on March 23, 2006, the Commission issued notice that it had determined to further extend the target date for completion of this investigation until April 28, 2006. On April 28, 2006, the Commission issued notice of a further extension until June 21, 2006. These extensions were based on joint motions filed by Gateway and HP indicating that the parties were in settlement negotiations.

On June 2, 2006, Gateway and HP filed a joint motion to terminate the investigation based on a settlement agreement. The Commission hereby extends the target date for completion of this investigation until August 21, 2006, in order to provide the Commission time to review the terms of the proposed settlement agreement.

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 210.51(a) of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.51).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: June 12, 2006