

**INTERNATIONAL TRADE  
COMMISSION**

[Investigation No. 337-TA-553]

**In the Matter of Certain NAND Flash  
Memory Devices and Products  
Containing Same; Notice of  
Determination To Grant the Joint  
Motion To Terminate the Investigation  
on the Basis of Settlement****AGENCY:** U.S. International Trade  
Commission.**ACTION:** Notice.**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to grant the joint motion to terminate the above-captioned investigation based on settlement.**FOR FURTHER INFORMATION CONTACT:** Michelle Walters, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-5468. 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 November 25, 2005, based on a complaint filed by Hynix Semiconductor Inc. of Korea; Hynix Semiconductor America Inc. of San Jose, California; and Hynix Semiconductor Manufacturing America Inc. of Eugene, Oregon (collectively, "Hynix"). The complaint, as supplemented and amended, 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 NAND flash memory devices and products containing the same by reason of infringement of certain claims of United States Patent Nos. 5,509,995 and 5,869,404.

On November 20, 2006, the presiding administrative law judge ("ALJ") issued his final initial determination ("ID"), finding no violation of section 337 by respondents Toshiba Corporation of Japan; Toshiba America Electronic Components, Inc. of Irvine, California; Toshiba America Information Systems, Inc. of Irvine, California; and Toshiba America Consumer Products, L.L.C. of Wayne, New Jersey (collectively, "Toshiba"). The Commission determined to review the ALJ's ID on January 11, 2007.

On March 21, 2007, Hynix and Toshiba jointly moved to terminate the investigation based on settlement. In the same motion papers, Hynix and Toshiba jointly moved to vacate the ID issued by the ALJ. In addition, Hynix withdrew its motion for sanctions against Toshiba, filed on August 18, 2006. On March 30, 2007, the Commission investigative attorney filed a response to the joint motion to terminate based on settlement, recommending that the Commission grant the motion.

Having examined the record of this investigation, the Commission has determined to grant the joint motion to terminate the investigation. In addition, the Commission has determined to deny the joint motion to vacate the ALJ's final ID.

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 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21).

Issued: April 16, 2007.

By order of the Commission.

**Marilyn R. Abbott,***Secretary to the Commission.*

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**BILLING CODE 7020-02-P****DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree  
Under the Comprehensive  
Environmental Response,  
Compensation and Liability Act**

Under 28 CFR 50.7, notice is hereby given that on April 2, 2007, a proposed consent decree with defendant BOC Group, Inc., was lodged in the civil action *United States v. The BOC Group, Inc.*, Civil Action No. 07-5163-FDB, in the United States District Court for the Western District of Washington.

In this action the United States sought, pursuant to Sections 106 and 107 of the Comprehensive Environmental Response, Compensation

and Liability Act ("CERCLA"), 42 U.S.C. 9606 & 9607, to recover costs incurred in response to releases of hazardous substances at the Boomsnub/Airco Superfund Site ("the Site") in Vancouver, Washington, and to require defendant BOC Group, Inc. to implement EPA's selected remedy at the Site.

The proposed consent decree will resolve the United States' claims against defendant BOC Group, Inc. Under the terms of the proposed consent decree, defendant BOC Group, Inc. will implement the remedy for the Site as required in the proposed consent decree, and pay \$6.65 million to the Hazardous Substances Superfund.

In return, the United States will grant BOC Group, Inc. a covenant not to sue under CERCLA with respect to the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to the proposed consent decree with defendant BOC Group, Inc. in *United States v. The BOC Group, Inc.*, D.J. Ref. 90-11-2-1018/2.

The proposed consent decree may be examined at the office of the United States Attorney, 1201 Pacific Avenue, Suite 700, Tacoma, Washington. During the public comment period, the proposed consent decree may be examined on the following Department of Justice Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html) and may be obtained upon request from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing a request to Tonia Fleetwood, fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$19.50 (25 cents per page reproduction costs), payable to the U.S. Treasury.

Public comments may be submitted by e-mail to the following e-mail address: [pubcommentees.enrd@usdoj.gov](mailto:pubcommentees.enrd@usdoj.gov).

**Robert Maher,***Assistant Chief, Environmental Enforcement  
Section, Environment and Natural Resources  
Division.*

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