

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

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**In the Matter of**

**CERTAIN SYSTEMS FOR DETECTING AND  
REMOVING VIRUSES OR WORMS,  
COMPONENTS THEREOF, AND PRODUCTS  
CONTAINING SAME**

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**Inv. No. 337-TA-624**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN  
INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO  
CERTAIN RESPONDENTS**

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 6) of the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) as to certain respondents based on a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., telephone 202-708-2310, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436. Copies of all nonconfidential 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, 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 the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on December 31, 2007, based on a complaint filed on November 21, 2007, by Trend Micro Incorporated (“Trend Micro”) of Cupertino, California. 72 *Fed. Reg.* 74329-30. The complaint alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain systems for

detecting and removing viruses or worms, components thereof, and products containing same by reason of infringement of claims 2 and 4-22 of U.S. Patent No. 5,623,600. The complaint named three respondents: Barracuda Networks, Inc. of Campbell, CA; Panda Software International S.L. of Spain; and Panda Distribution, Inc. of Glendale, CA (Panda Software and Panda Distribution collectively referred to as “Panda”). The complaint further alleged that an industry in the United States exists as required by subsection (a)(2) of section 337.

On February 12, 2008, Trend Micro and Panda filed a joint motion to terminate the investigation as to Panda on the basis of a settlement agreement. The Commission Investigative Attorney filed a response in support of the motion on February 22, 2008.

The ALJ issued the subject ID on February 26, 2008, granting the joint motion for termination. No party petitioned for review of the ID pursuant to 19 C.F.R. § 210.43(a), and the Commission found no basis for ordering a review on its own initiative pursuant to 19 C.F.R. § 210.44. The Commission has determined not to review the 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 sections 210.21(a)(2), (b) and 210.42(h)(3) of the Commission’s Rules of Practice and Procedure.

By order of the Commission.

/s/  
Marilyn R. Abbott  
Secretary to the Commission

Issued: March 14, 2008

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