

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 DECISION NOT TO REVIEW AN INITIAL DETERMINATION
GRANTING COMPLAINANT’S MOTION FOR SUMMARY DETERMINATION OF
DOMESTIC INDUSTRY – ECONOMIC PRONG**

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”) issued by the presiding administrative law judge (“ALJ”) on May 2, 2005, granting complainant’s motion for summary determination of domestic industry (with regard to the economic prong).

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3115. Copies of the public version of the IDs and 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, S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. 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>.

SUPPLEMENTARY INFORMATION: On August 6, 2004, the Commission instituted an investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. §1337, based on a complaint filed by Gateway, Inc. of Poway, California (“Gateway”) alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain personal computers, monitors, and components thereof by reason of infringement of claims 1-3, 9-11, 13-14, 20-21, 27-28, 30-32, and 38-40 of U.S. Patent No. 5,881,318 (“the ‘318 patent”); claims 1-3, 5, 7-12, 14-29, 31-36, and 38 of U.S. Patent No. 5,192,999 (“the ‘999 patent”); and claims 1-2 and 4-6 of U.S. Patent No. 6,326,996 (“the ‘996 patent”). 69 *Fed. Reg.* 47956 (August 6, 2004). The complainant named Hewlett-Packard Company of Palo Alto, California (“Hewlett-Packard,” or “HP”), as respondent. Subsequently, the investigation was

terminated in part as to claims 2, 3, 5, 7, 12, 21-29, 31-33, 36, and 38 of the '999 patent, and as to the '318 and '996 patents in their entirety.

On April 13, 2005, complainant Gateway filed a motion for summary determination that Gateway satisfied the economic prong of the domestic industry requirement under 19 U.S.C. § 1337(a)(3) (C) with respect to the '999 patent. Both the Commission investigative attorney and respondent HP filed their responses in support of Gateway's motion. On May 2, 2005, the ALJ issued an ID (Order No. 31) granting complainant's motion. No party petitioned for review of the ALJ's 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 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.42).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: May 20, 2005