

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

In the Matter of

**CERTAIN FLASH MEMORY DEVICES,  
AND COMPONENTS THEREOF, AND  
PRODUCTS CONTAINING SUCH  
DEVICES AND COMPONENTS**

**Inv. No. 337-TA-552**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING COMPLAINANT'S MOTION FOR SUMMARY  
DETERMINATION THAT IT SATISFIES THE ECONOMIC PRONG OF THE  
DOMESTIC INDUSTRY REQUIREMENT**

**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 the presiding administrative law judge's ("ALJ's") initial determination ("ID") granting complainant's motion for summary determination that it satisfies the economic prong of the domestic industry requirement of 19 U.S.C. § 1337(a)(2).

**FOR FURTHER INFORMATION:** Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3152. Copies of the nonconfidential version of the ID 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:** This investigation was instituted by the Commission on October 31, 2005, based on a complaint filed by Toshiba Corporation of Tokyo, Japan ("Toshiba") under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337. *70 Fed. Reg.* 67192-193 (November 4, 2005). The complainant alleged violations of section 337 in the importation and sale of certain flash memory devices and components thereof, and products

containing such devices and components, by reason of infringement of claims 1-4 of U.S. Patent No. 5,150,178, claims 1 and 6-7 of U.S. Patent No. 5,270,969, and claims 1 and 4 of U.S. Patent No. 5,517,449. The complainant named Hynix Semiconductor of Ichon-si, Republic of Korea, and Hynix Semiconductor America, Inc. of San Jose, California (collectively “Hynix”) as respondents.

On November 21, 2005, Complainant Toshiba motioned for leave to amend the complaint to add claim 5 of U.S. Patent No. 5,150,178. On December 1, 2005, Hynix and the Investigative Attorney (“IA”) filed responses to the motion. Hynix did not oppose the motion, and the IA supported the motion. On December 2, 2005, the ALJ issued an ID (Order No. 4) granting Complainant Toshiba’s motion to amend the complainant. The Commission determined not to review Order No. 4.

On May 1, 2006, complainant Toshiba filed a motion for summary determination that Toshiba has satisfied the economic prong of the domestic industry requirement under 19 U.S.C. § 1337 (a)(2) with respect to the Toshiba’s patents-in-issue. The IA supported the motion, Hynix opposed the motion.

On May 22, 2006, the ALJ issued the subject ID (Order No. 13) granting the motion for summary determination that Toshiba has satisfied the economic prong of the domestic industry requirement. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID (Order No. 13).

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: June 12, 2006