

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

In the Matter of

**CERTAIN PORTABLE DIGITAL
MEDIA PLAYERS**

Inv. No. 337-TA-573

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION OF THE ADMINISTRATIVE LAW JUDGE
TERMINATING THE INVESTIGATION ON THE BASIS OF A BINDING TERM
SHEET**

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") initial determination ("ID") (Order No. 4) terminating the above-captioned investigation on the basis of a binding term sheet.

FOR FURTHER INFORMATION: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3152. Copies of the ID and all other 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 June 14, 2006, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, based on a complaint, as supplemented, filed by Creative Labs, Inc. of Milpitas, California, and Creative Technology Ltd. of Singapore (collectively, "Creative"), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain portable digital media players by reason of infringement of claims 2-5, 7, 11-13, 15, and

16 of U.S. Patent No. 6,928,433. 71 *Fed. Reg.* 34390 (June 14, 2006). The complainant named Apple Computer, Inc. of Cupertino, California (“Apple”) as the respondent.

On September 13, 2006, the ALJ issued an ID (Order No. 4) granting a joint motion filed by Creative and Apple seeking termination of this investigation on the basis of a binding term sheet. No party petitioned for review of Order No. 4.

The Commission has determined not to review Order No. 4.

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(h) of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42(h)).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: October 4, 2006