

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

**In the Matter of**

**CERTAIN RECORDABLE COMPACT  
DISCS AND REWRITABLE COMPACT  
DISCS**

**Inv. No. 337-TA-474**

**NOTICE OF INVESTIGATION**

**AGENCY:** U.S. International Trade Commission

**ACTION:** Institution of investigation pursuant to 19 U.S.C. §1337

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on June 24, 2002, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. §1337, on behalf of U.S. Philips Corporation of Tarrytown, New York. Letters supplementing the complaint were filed on July 10, 2002 and July 16, 2002. The complaint, as supplemented, 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 recordable compact discs and rewritable compact discs by reason of infringement of claims 1, 5, and 6 of U.S. Letters Patent 4,807,209, claim 11 of U.S. Letters Patent 4,962,493, claims 1-3 of U.S. Letters Patent 4,972,401, claims 1, 3, and 4 of U.S. Letters Patent 5,023,856, claims 1-6 of U.S. Letters Patent 4,999,825, and claims 20, and 23-34 of U.S. Letters Patent 5,418,764. The complaint further alleges that there exists an industry in the United States as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and a permanent cease and desist order.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone 202-205-2000. Hearing

impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 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-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

FOR FURTHER INFORMATION CONTACT: Jeffrey R. Whieldon, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2606.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. §210.10 (2002).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on July 19, 2002, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain recordable compact discs or rewritable compact discs by reason of infringement of claims 1, 5, or 6 of U.S. Letters Patent 4,807,209, claim 11 of U.S. Letters Patent 4,962,493, claims 1, 2, or 3 of U.S. Letters Patent 4,972,401, claims 1, 3, or 4 of U.S. Letters Patent 5,023,856, claims 1-5 or 6 of U.S. Letters Patent 4,999,825, or claims 20, 23-33, or 34 of U.S. Letters Patent 5,418,764, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

U.S. Philips Corporation  
580 White Plains Road  
Tarrytown, New York 10591

(b) The respondents are the following companies alleged to

be in violation of section 337, and are parties upon which the complaint is to be served:

Acme Production Industries  
Room B & C, 7/F, Tai Chi Factory Building  
25-29 Kok Cheung Street  
Tai Kok Tsui, Kowloon, Hong Kong

Bregusa Micro International LLC  
22622 Lambert Street, Suite 306  
Lake Forest, California 92630

Digital Storage Technology Co., Ltd.  
42 Kung 4 Road  
LinKou 2<sup>nd</sup> Industrial Park  
Taipei Hsien, Taiwan

DiscsDirect.Com  
2165 South Bascom Avenue  
Campbell, California 95008

GigaStorage Corporation Taiwan  
2, Kuang Fu South Road  
Hsinchu Industrial Park  
Hsinchu, Taiwan

GigaStorage Corporation USA  
174 Lawrence Drive, Suite C  
Livermore, California 94550

Jacsonic Group  
246 Clary Avenue  
San Gabriel, California 91776

J&E Enterprises, Inc.  
7900 San Fernando Road, #B1  
Sun Valley, California 91352

KingPro Mediatek Inc.  
No 28, Chung Cheng 1<sup>st</sup> Street  
Yung Kang City, 71042  
Tainan Hsien, Taiwan



Linberg Enterprise Inc.  
1 Charles Avenue  
Building 130 B  
West Orange, New Jersey 07052

NewEgg.Com, Inc.  
132 South 6<sup>th</sup> Avenue  
La Puente, California 91746

PNY Technologies, Inc.  
299 Webro Road  
Parsippany, New Jersey 07054

QTC Computer Systems, Inc.  
1374 East Edinger Avenue  
Santa Ana, California 92705

STI Certified Products, Inc.  
42982 Osgood Road  
Fremont, California 94539

Symmetry Group, Inc.  
11-27 44<sup>th</sup> Road  
Long Island City, New York 11101

Tiger Direct, Inc.  
7795 West Flagler Street  
Suite 35  
Miami, Florida 33144

TKO Media Inc.  
9440 Telstar Avenue  
Suite 2  
El Monte, California 91731

U.S. DigitalMedia, Inc.  
21430 North 20<sup>th</sup> Avenue  
Phoenix, Arizona 85027

Xtraplus Corporation  
38929 Cherry Street

Newark, California 94560

(c) Jeffrey R. Whieldon, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Room 401-A, Washington, D.C. 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Sidney Harris is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. §210.13. Pursuant to 19 C.F.R. §§201.16(d) and 210.13(a), such responses will be considered by the Commission if received no later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting a response to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against that respondent.

By order of the Commission.

Marilyn R. Abbott  
Secretary

Issued: July 22, 2002