

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

**In the Matter of**

**CERTAIN POINT OF SALE  
TERMINALS AND COMPONENTS  
THEREOF**

**Inv. No. 337-TA-524**

**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 August 2, 2004, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. §1337, on behalf of Verve LLC of Austin, Texas. Supplements to the complaint were filed on August 9, 19, and 23, 2004. 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 point of sale terminals and components thereof by reason of infringement of claims 1 and 2 of U.S. Patent No. 5,012,077. The complaint further alleges that an industry in the United States exists 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 permanent cease and desist orders.

**ADDRESSES:** The complaint and supplements, except for any confidential information contained therein, are 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 document information system (EDIS) at <http://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2572.

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 (2003).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on August 30, 2004, 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 point of sale terminals and components thereof by reason of infringement of claims 1 or 2 of U.S. Patent No. 5,012,077; and whether an industry in the United States exists 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 –

Verve L.L.C.  
8127 Mesa Drive, # B-206-67  
Austin, TX 78759

(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:

Thales e-Transactions, Inc.  
53 Perimeter Center East  
Suite 175  
Atlanta, GA 30346

Thales Group  
9, rue Elsa Triolet, Z. I. des Gatines  
BP 13, 78373

Plaisir Cedex, France

CyberNet, USA, Inc.  
iPark Silicon Valley, Suite 319  
3003 North First Street  
San Jose, CA 95134

CyberNet, Inc.  
6th Floor, Sebang Building, 708-8  
Yoksamdong, Kangnamku  
Seoul, Korea

Lipman USA, Inc.  
50 Gordon Drive  
Syosset, NY 11791

Lipman Electronic Engineering, Ltd.  
11 Haamal Street  
Park Afek  
Rosh Haayin, Israel 48092

Hypercom Corporation  
2851 W. Kathleen Road  
Phoenix, AZ 85053

VeriFone, Inc.  
One Northwinds Center, Suite 500  
2475 Northwinds Parkway  
Alpharetta, GA 30004

Ingenico Corp. USA  
1003 Mansell Road  
Atlanta, GA 30076

Ingenico  
9,Quai de Dion Bouton  
92816 Puteaux Cedex  
France

Trintech Inc.  
15851 Dallas Parkway  
Suite 855  
Addison, TX 75001

Trintech Group PLC  
Trintech Building  
South County Business Park  
Leopardstown,  
Dublin 18, Ireland

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

(3) For the investigation so instituted, the Honorable Charles E. Bullock 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 not 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 the responses to the complaint and the notice of investigation 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 this notice, 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 a final determination containing such findings, and may result in the issuance of a limited exclusion order or cease and desist order or both directed against such respondent.

By order of the Commission.

Marilyn R. Abbott  
Secretary to the Commission

Issued: August 31, 2004