

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

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**In the Matter of**

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

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) **Inv. No. 337-TA-524**  
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**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING TWO RESPONDENTS' MOTION FOR SUMMARY  
DETERMINATION OF NO VIOLATION**

**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") in the above-captioned investigation granting two respondents' motion for summary determination of no violation due to lack of evidence of importation.

**FOR FURTHER INFORMATION CONTACT:** Rodney Maze, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3065. Copies of non-confidential 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. 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>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** This patent-based section 337 investigation was instituted by the Commission based on a complaint filed by Verve, LLC ("Verve"), of Austin, Texas. 69 Fed. Reg. 53945 (September 3, 2004). The complainant alleged 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 named Thales e-Transactions, Inc. of Atlanta, Georgia, Thales Group of Plaiser Cedex, France, CyberNet USA, Inc. of San Jose, California, CyberNet, Inc. of Seoul, Korea, Lipman USA, Inc. of Syosset, New York, Lipman Electronic Engineering, Ltd. of Rosh Haayin, Israel, Ingenico

Corp. USA of Atlanta, Georgia, Ingenico of Puteaux Cedex, France, Trintech, Inc. of Addison, Texas, Trintech Group, PLC of Dublin, Ireland, Hypercom Corp. of Phoenix, Arizona and VeriFone, Inc. of Alpharetta, Georgia as respondents.

On October 6, 2004, respondents Trintech, Inc. and Trintech Group, PLC (collectively “Trintech”) filed a motion for summary determination of no violation based on a lack of evidence that Trintech had imported any infringing terminals. On October 19, 2004, Verve filed a response to Trintech’s motion stating that it would like to terminate the investigation with respect to Trintech, and that Trintech’s motions were moot. Upon receipt of Verve’s response, the Commission investigative attorney (“IA”) informed Verve that he considered Verve’s response to incorporate a motion for termination. On October 25, 2004, Trintech filed a response to Verve’s motion to terminate. On October 28, 2004, the IA filed a response supporting Verve’s motion to terminate the investigation with respect to Trintech.

On November 2, 2004, the ALJ issued an ID (Order No. 12) granting Trintech’s motion for summary determination of no violation. The ALJ dismissed Verve’s motion to terminate the investigation with respect to Trintech as moot. No petitions for review of the ALJ’s ID were filed.

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: November 29, 2004