

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN FLASH MEMORY CHIPS
AND PRODUCTS CONTAINING THE
SAME**

Inv. No. 337-TA-664

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 November 17, 2008, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Spansion, Inc. of Sunnyvale, California and Spansion LLC of Sunnyvale, California. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation, of certain flash memory chips and products containing the same that infringe certain claims of U.S. Patent Nos. 6,380,029, 6,080,639, 6,376,877, and 5,715,194. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

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) at <http://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Heidi E. Strain, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-3352.

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 (2008).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on December 11, 2008, 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 flash memory chips or products containing the same that infringe one or more of claims 1-13 of U.S. Patent No. 6,380,029; claims 1-12 of U.S. Patent No. 6,080,639; claims 1-8 of U.S. Patent No. 6,376,877, and claims 13, 15-18, and 20-22 of U.S. Patent No. 5,715,194, 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 complainants are –

Spansion, Inc.
915 DeGuigne Drive
P.O. Box 3453
Sunnyvale, California 94088

Spansion LLC
915 DeGuigne Drive
P.O. Box 3453
Sunnyvale, California 94088

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Samsung Electronics Co., Ltd.
250, Taepyeongno 2-ga, Jung-gu
Seoul 100-742 South Korea

Samsung Electronics America, Inc.
105 Challenger Road
Ridgefield Park, New Jersey 07660

Samsung International, Inc.

10220 Sorrento Valley Road
San Diego, California 92121

Samsung Semiconductor, Inc.
3655 North First Street
San Jose, California 95134

Samsung Telecommunications America, LLC
1301 East Lookout Drive
Richardson, Texas 75082

Apple, Inc.
1 Infinite Loop
Cupertino, California 95014

Hon Hai Precision Industry Co., Ltd.
2 Zihyou Street
Tucheng City
Taipei County, 236 Taiwan

AsusTek Computer Inc.
No. 15 Li-Te Road Beitou District
Taipei, Taiwan

Asus Computer International Inc.
800 Corporate Way
Fremont, California 94539

Kingston Technology Company, Inc.
17600 Newhope Street
Fountain Valley, California 92708

Kingston Technology (Shanghai) Co. Ltd.
Building 7, No. 308, Fen Ju Road
Wai Gao Qiao Free Trade Zone
Shanghai 200131, China

Kingston Technology Far East Co.
No. 1-5, Li-Hsin Road, I
Science Based Industrial Park
Hsin-Chu, Taiwan

Kingston Technology Far East (Malaysia)
Sdn Bhd

Plot 111-B Bayan Lepas Industrial Park
Lebuhraya Kampung Jawa
Bayan Legas 11900, Malaysia

Lenovo Group Limited
23rd Floor, Lincoln House
Taikoo Place, 979 King's Road
Quarry Bay, Hong Kong

Lenovo (United States) Inc.
1009 Think Place
Morrisville, North Carolina 27560

Lenovo (Beijing) Limited
No. 6 Chuang Ye Road
Shangdi Information Industry Base
Haidian District, Beijing, 100085 China

International Information Products (Shenzhen) Co., Ltd.
Great Wall Technology Building,
Nanshan District Science & Technology Park
Shenzhen City, Guangdong Province 518057
China

Lenovo Information Products (Shenzhen) Co., Ltd.
Lenovo Research and Development Building,
Nanshan District Science & Technology Park
Shenzhen City, Guangdong Province 518057
China

Lenovo (Huiyang) Electronic Industrial Co., Ltd.
Lenovo Science and Technology Park
Sun Town, Huiyang District
Huizhou City, Guangdong Province 516213
China

Shanghai Lenovo Electronic Co., Ltd.
No. 550 Jinhai Road, Jinqiao Export Processing Zone
Pudong New District
Shanghai 200233, China

PNY Technologies, Inc.
299 Webro Road
Parsippany, New Jersey 07054-0218

Research In Motion Ltd.
295 Phillip Street
Waterloo, Ontario
Canada N2L 3W8

Research In Motion Corporation
122 W. John Carpenter Parkway, Suite 430
Irving, Texas 75039

Sony Corporation
7-1, Konan 1-chome, Minato-ku
Tokyo 108-0075, Japan

Sony Corporation of America
550 Madison Avenue, 27th Floor
New York, New York 10022-3211

Sony Ericsson Mobile Communication AB
Nya Vattentornet
SE-221 88 Lund
Sweden

Sony Ericsson Mobile Communications (USA), Inc.
7001 Development Drive
Research Triangle Park, North Carolina 27709

Beijing SE Putian Mobile Communication Co., Ltd.
No. 20, Tianzhu West Road, Tianzhu Konggang
Industrial Park, Shunyi
Beijing, 101312 China

Transcend Information Inc.
No. 70, XingZhong Road, NeiHu District
Taipei, Taiwan

Transcend Information, Inc. (US)
1645 North Brian Street
Orange, California 92867

Transcend Information Inc. (Shanghai Factory)
4F, Kaixuan City Industrial Park
No. 1010, Kaixuan Road
Shanghai, China 200052

Verbatim Americas LLC
1200 West W.T., Harris Boulevard
Charlotte, North Carolina 28262

Verbatim Corporation
1200 West W.T., Harris Boulevard
Charlotte, North Carolina 28262

(c) The Commission investigative attorney, party to this investigation, is Heidi E. Strain, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Room 401, Washington, D.C. 20436; and

(3) For the investigation so instituted, Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate 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 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 an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: December 12, 2008