

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

**In the Matter of**

**CERTAIN FLASH MEMORY  
CONTROLLERS, DRIVES, MEMORY  
CARDS, AND MEDIA PLAYERS AND  
PRODUCTS CONTAINING SAME**

**Investigation No. 337-TA-619**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION TERMINATING THE INVESTIGATION WITH RESPECT TO  
RESPONDENTS VERBATIM AMERICAS LLC AND VERBATIM CORPORATION ON  
THE BASIS OF A SETTLEMENT AGREEMENT**

**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. 54) in the above-referenced investigation granting a joint motion to terminate the investigation as to Verbatim Americas LLC and Verbatim Corporation (collectively, "Verbatim") based on a settlement agreement.

**FOR FURTHER INFORMATION CONTACT:** Michelle Walters, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5468. 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 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>. 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:** The Commission instituted this investigation on December 12, 2007, based on a complaint filed by SanDisk Corporation ("SanDisk"). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States

after importation of certain flash memory controllers, drives, memory cards, media players, and products containing the same by reason of infringement of various claims of five United States patents. The number of patents and claims has since been amended. The complaint named nearly fifty respondents.

On October 29, 2008, SanDisk and Verbatim moved to terminate the investigation as to Verbatim based a settlement agreement. The Commission investigative attorney supported the motion.

On November 14, 2008, the ALJ issued the subject ID granting the motion to terminate Verbatim on the basis of a settlement agreement. The ALJ found that the motion complied with the requirements of Commission Rule 210.21 (19 C.F.R. § 210.21). The ALJ also concluded that, pursuant to Commission Rule 210.50(b)(2) (19 C.F.R. § 210.50(b)(2)), there is no evidence that termination of this investigation will prejudice the public interest. Accordingly, the ALJ terminated the investigation with respect to Verbatim. No petitions for review of this ID were filed.

The Commission has determined not to review the ID.

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.

/s/

Marilyn R. Abbott  
Secretary to the Commission

Issued: December 8, 2008