

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN EQUIPMENT FOR
TELECOMMUNICATIONS OR DATA
COMMUNICATIONS NETWORKS,
INCLUDING ROUTERS, SWITCHES,
AND HUBS, AND COMPONENTS
THEREOF**

Investigation No. 337-TA-574

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION EXTENDING THE TARGET DATE AND RESCHEDULING THE
EVIDENTIARY HEARING**

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 an initial determination (“ID”) (Order No. 41) issued by the presiding administrative law judge (“ALJ”) extending the target date for completion of the above-captioned investigation by six months to March 17, 2009.

FOR FURTHER INFORMATION CONTACT: Eric Frahm, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3107. 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: This investigation was instituted on June 16, 2006, based on a complaint filed by Telecordia Technologies, Inc. of Piscataway, New Jersey (“Telecordia”). The complaint, as amended, 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 equipment for telecommunications or data communications networks, including routers, switches, and hubs, and components thereof, by reason of infringement of claims 1, 3, and 4 of U.S. Patent No. 4,893,306; claims 1, 3, 5, 8, 11, and 33 of U.S. Patent No. Re. 36,633 (“the ‘633 patent”); and claims 1, 2, 7, and 8 of U.S. Patent No. 4,835,763. The amended complaint named five respondents: Cisco Systems, Inc. of San Jose, California (“Cisco”); Lucent Technologies, Inc. of Murray Hill, New Jersey (“Lucent”); Alcatel S.A. of France (“Alcatel”); Alcatel USA, Inc. of Plano, Texas (“Alcatel USA”); and PMC-Sierra, Inc. of Santa Clara, California (“PMC-Sierra”). The complaint further alleged that an industry in the United States exists as required by subsection 337(a)(2). Only claims 11 and 33 of the ‘633 patent remain in the case. Lucent, Alcatel, and Alcatel USA settled with Telecordia, and the ALJ has terminated the investigation as to these settling respondents.

On May 10, 2007, in a parallel district court case, *Telecordia Technologies, Inc. v. Cisco Systems, Inc.*, C.A. No. 04-876-GMS (D. Del.), the jury returned a verdict in favor of Telecordia based on Cisco’s infringement of claims 11 and 33 of the ‘633 patent, and the court entered judgment in favor of Telecordia on May 16, 2007. Thereafter, the parties filed post-trial motions with the court. On July 27, 2007, the ALJ issued an ID (Order No. 36) extending the target date by six months to September 17, 2008, due in part to the pendency of the post-trial motions pending in the parallel district court case. Beginning November 15, 2007, Telecordia, Cisco, and PMC-Sierra began negotiations to settle the investigation. On April 23, 2008, the parties informed the ALJ that a settlement could not be reached as previously expected. The post-trial motions remain pending before the district court.

On April 29, 2008, the ALJ issued the subject ID extending the target date by six months to March 17, 2009, and rescheduling the hearing. No petitions for review were filed.

The Commission has determined not to review this 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.

Marilyn R. Abbott
Secretary to the Commission

Issued: May 14, 2008