

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

In the Matter of

**CERTAIN PROBE CARD ASSEMBLIES,
COMPONENTS THEREOF AND
CERTAIN TESTED DRAM AND NAND
FLASH MEMORY DEVICES AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-621

**NOTICE OF COMMISSION DECISION TO REVIEW
AN INITIAL DETERMINATION (ORDER NO. 46) GRANTING
PHICOM'S MOTION FOR PARTIAL SUMMARY DETERMINATION
THAT CERTAIN CLAIMS OF THE '648 PATENT ARE INVALID**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review an initial determination ("ID") (Order No. 46) issued by the presiding administrative law judge ("ALJ") in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Paul M. Bartkowski, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5432. 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 December 19, 2007, based on a complaint filed by FormFactor, Inc. ("FormFactor") of Livermore, California. 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 probe card assemblies, components thereof, and certain tested DRAM and NAND flash memory devices and products containing same by reason of infringement of certain claims of U.S. Patent Nos. 5,994,152; 6,509,751; 6,615,485; 6,624,648 ("the '648 patent"); 7,168,162; and 7,225,538. The complaint named Micronics Japan Co., Ltd.;

MJC Electronics Corp.; Phicom Corporation; and Phiam Corporation as respondents (collectively, “Respondents”).

On December 5, 2008, respondents Phicom Corp. and Phiam Corp., (collectively, “Phicom”) jointly filed a motion for partial summary determination that claims 20 and 34 of the ‘648 patent are invalid as indefinite under 35 U.S.C. § 112. On February 11, 2009, the ALJ issued the subject ID. FormFactor filed a petition for review, which Respondents and the Commission investigative attorney (“IA) oppose.

The Commission has determined to review the subject ID. Because the briefing already received on this issue appears adequate, no further briefing will be permitted unless further ordered by the Commission.

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 210.43 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.43).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: March 11, 2009