

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

In the Matter of

CERTAIN NOR AND NAND FLASH MEMORY  
DEVICES AND PRODUCTS CONTAINING SAME

Inv. No. 337-TA-560

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING COMPLAINANT'S MOTION FOR SUMMARY  
DETERMINATION THAT THE ECONOMIC PRONG OF THE DOMESTIC  
INDUSTRY REQUIREMENT IS SATISFIED FOR U.S. PATENT NO. 5,991,517**

**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") issued by the presiding administrative law judge ("ALJ") on November 17, 2006, granting complainant's motion for summary determination that the economic prong of the domestic industry requirement is satisfied for U.S. Patent No. 5,991,517.

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3115. Copies of the public version of the IDs and all nonconfidential 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. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. 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>.

**SUPPLEMENTARY INFORMATION:** On February 13, 2006, the Commission instituted an investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, based on a complaint filed by SanDisk Corporation of Sunnyvale, California ("SanDisk"), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain NOR and NAND flash memory devices and products containing same by reason of infringement of claims 27, 28, 32, 51, and 64 of U.S. Patent No. 5,172,338; claims 1-8 and 10-14 of U.S. Patent No. 5,991,517 ("the '517 patent"); and claims 7 and 10 of U.S. patent No. 6,542,956 ("the '956 patent.") 71 *Fed. Reg.* 7576 (Feb. 13, 2006). The complainant named STMicroelectronics N.V. of Geneva, Switzerland, and STMicroelectronics,

Inc. of Carrollton, Texas (collectively, "ST") as the respondents. Subsequently, the '956 patent was terminated from the investigation.

On September 25, 2006, complainant SanDisk filed a motion for summary determination on the economic prong of the domestic industry requirement with respect to the '517 patent. On October 5, 2006, respondent ST filed an opposition to the motion. On the same day, the Commission investigative attorney filed a response in support of the motion. On October 12, 2006, SanDisk filed a motion for leave to file a reply.

On November 17, 2006, the ALJ issued an ID (Order No. 37) in which he granted SanDisk's motion. The ALJ also granted SanDisk's motion for leave to file a reply. No party petitioned for review of Order No. 37.

The Commission has determined not to review Order No. 37.

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, 2006