

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

In the Matter of

**CERTAIN UNIFIED
COMMUNICATIONS SYSTEMS,
PRODUCTS USED WITH SUCH
SYSTEMS, AND COMPONENTS
THEREOF**

Investigation No. 337-TA-598

**NOTICE OF COMMISSION DECISION TO EXTEND THE TARGET DATE FOR
COMPLETION OF THE INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the target date for completion of the above-captioned investigation to May 12, 2008.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., 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 March 26, 2007, based on a complaint filed by Microsoft Corporation ("Microsoft") of Redmond, Washington. 72 *Fed. Reg.* 14138-9. The complaint, as amended and supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 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 unified communications systems, products used with such systems, and components thereof by reason of infringement of certain claims of U.S. Patent Nos.

6,421,439 (“the ‘439 patent”); 6,430,289; 6,263,064 (“the ‘064 patent”); and 6,728,357. The complaint further alleges the existence of a domestic industry. The Commission’s notice of investigation named Alcatel-Lucent (“ALE”) of Paris, France as the only respondent.

On January 28, 2008, the ALJ issued his final ID and recommended determinations on remedy and bonding. The ALJ found a violation of section 337 based on his findings that the respondent’s accused products infringe one or more of the asserted claims of the patents at issue. On February 11, 2008, all parties, including the Commission investigative attorney (“IA”), filed petitions for review of the final ID. On February 19, 2008, all parties filed responses to the petitions for review.

On March 14, 2008, the Commission determined to review-in-part the ID. Particularly, the Commission determined to review: 1) the ALJ’s construction of the claim term “current activity of subscribers on the computer network;” 2) the ALJ’s determination that ALE’s OXE system directly and indirectly infringes the ‘439 patent; 3) the ALJ’s determination that ALE’s OXO system does not infringe the ‘439 patent; 4) the ALJ’s determination that claims 1 and 28 of the ‘439 patent are not invalid in view of U.S. Patent No. 6,041,114 (“the ‘114 patent”) or U.S. Patent No. 5,652,789 (“the ‘789 patent”); 5) the ALJ’s determination that claim 38 of the ‘439 patent is invalid in view of the ‘114 patent; and 6) the ALJ’s determination that claim 38 is not invalid in view of the ‘789 patent.

The Commission requested written submissions from the parties relating to the issues under review, as well as briefing on remedy, the public interest, and bonding.

On March 24, 2008, complainant Microsoft, respondent ALE, and the IA filed briefs on the issues for which the Commission requested written submissions. On March 31, 2008, the parties filed reply submissions.

The Commission has determined to extend the target date for completion of the above-referenced investigation by fourteen (14) days to May 12, 2008.

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 210.51(a) of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.51(a)).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: April 2, 2008