

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

In the Matter of

**CERTAIN FLASH MEMORY CHIPS AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-664

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANTS' CONSENT MOTION TO
TERMINATE THE INVESTIGATION IN PART AS TO
UNITED STATES PATENT NO. 6,080,639**

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. 43) of the presiding administrative law judge ("ALJ") granting complainants' consent motion to terminate the investigation in part as to United States Patent No. 6,080,639.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3042. 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 18, 2008, based on a complaint filed by Spansion, Inc. of Sunnyvale, California and Spansion LLC of Sunnyvale, California (collectively, "Spansion"). *74 Fed. Reg.* 77059-061 (Dec. 18, 2008). The complaint alleges 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 chips and products containing the same by reason of infringement of various claims of United States Patent Nos. 6,380,029 (subsequently terminated from the investigation); 6,080,639 ("the '639 patent"); 6,376,877; and 5,715,194. The complaint names over thirty respondents. On March 12, 2010, the complaint

and notice of investigation were amended to terminate several respondents from the investigation and to add certain entities as respondents. *75 Fed. Reg.* 11909-910 (Mar. 12, 2010).

On April 2, 2010, Spansion filed a consent motion for partial termination of the investigation as to all asserted claims of the '639 patent. On April 7, 2010, the ALJ issued the subject ID (Order No. 54) granting Spansion's motion. The ALJ found that Spansion's motion was based on withdrawal of certain allegations from the complaint and that it satisfied Commission Rule 210.21(a)(1) (19 C.F.R. § 210.21(a)(1)). None of the parties petitioned for review of the ID.

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: April 22, 2010