

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN DYNAMIC RANDOM
ACCESS MEMORY AND NAND FLASH
MEMORY DEVICES AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-803

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO CERTAIN
RESPONDENTS BASED ON SETTLEMENT AGREEMENTS**

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. 58) of the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation as to Nanya Technology Corporation of Taoyuan, Taiwan and Nanya Technology Corporation, USA of Santa Clara, California (collectively, “Nanya”) based on settlement agreements.

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) 708-2310. 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 September 7, 2011, based on a complaint filed on behalf of the following complainants: Intellectual Ventures Management, LLC; Invention Investment Fund I, L.P.; Invention Investment Fund II, LLC; Intellectual Ventures I LLC; and Intellectual Ventures II LLC, all of Bellevue, Washington. 76 *Fed. Reg.* 55417-18. The complaint 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 dynamic random access memory and NAND flash memory devices and products containing same by reason of infringement of certain claims of U.S. Patent Nos. 5,654,932; 5,963,481; 5,982,696; 5,500,819; and 5,687,132. The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named twenty-one respondents including Nanya.

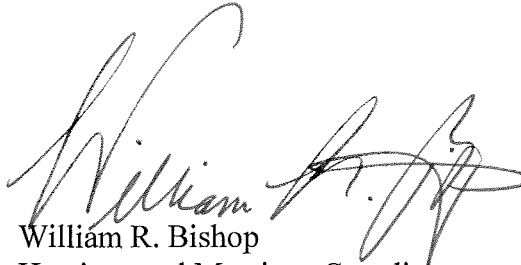
On December 19, 2011, complainants and Nanya moved to terminate the investigation as to Nanya based on settlement agreements. The ALJ denied the motion on public interest grounds because movants had failed to sufficiently explain their agreements which included agreements with non-parties.

On March 28, 2012, complainants and Nanya filed a renewed motion to terminate the investigation as to Nanya based on settlement agreements. The Commission investigative attorney filed a response in support of the motion and respondents Hynix Semiconductor, Inc. of Gyeonggi-do, Korea and Hynix Semiconductor America, Inc. of Atlanta, Georgia opposed the motion. No other party opposed the motion.

The ALJ issued the subject ID on July 10, 2012, granting the renewed motion for termination of the investigation as to Nanya. He found that the motion satisfies Commission rules 210.21(a)(2), (b)(1). He further found, pursuant to Commission rule 210.50(b)(2), that termination of this investigation as to Nanya by settlement agreements is in the public interest. No party 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 sections 210.21 and 210.42(h) of the Commission's Rules of Practice and Procedure, 19 C.F.R. §§ 210.21, 210.42(h).

By order of the Commission.


William R. Bishop
Hearings and Meetings Coordinator

Issued: July 26, 2012