

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

In the Matter of

**CERTAIN BIOMETRIC SCANNING
DEVICES, COMPONENTS THEREOF,
ASSOCIATED SOFTWARE, AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-720

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT'S MOTION FOR SUMMARY
DETERMINATION ON THE ECONOMIC PRONG OF THE DOMESTIC INDUSTRY
REQUIREMENT WITH RESPECT TO REMAINING ASSERTED PATENTS**

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. 24) of the presiding administrative law judge ("ALJ") granting complainants' motion for summary determination on the economic prong of the domestic industry requirement with respect to remaining asserted patents.

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 June 17, 2010 based on a complaint filed on May 11, 2010, by Cross Match Technologies, Inc. ("Cross Match") of Palm Beach Gardens, Florida. *75 Fed. Reg.* 34482-83. The complaint, as amended on May 26, 2010, 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 biometric scanning devices, components thereof, associated software, and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 5,900,993 ("the '993 patent"); 7,203,344 ("the

`344 patent”); 7,277,562 (“the `562 patent”); and 6,483,932 (“the `932 patent”). Also, the complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337, and names two respondents, Suprema, Inc. of Korea and Mentalix, Inc. of Plano, Texas.

On December 1, 2010, the ALJ issued an ID granting Cross Match’s motion to terminate the investigation as to claims 6-8, 13-15, and 19-21 of the `932 patent (eliminating this patent from the investigation); claims 13 and 16 of the `993 patent; claims 4, 15, 30, 32, and 44 of the `344 patent; and claim 2 of the `562 patent based on withdrawal of these claims from the complaint. This ID was not reviewed by the Commission.

On January 4, 2011, Cross Match moved for summary determination that it satisfies the economic prong of the domestic industry requirement. On February 16, 2011, the ALJ issued the subject ID (Order No. 24) granting Cross Match’s motion with respect to each of the remaining asserted patents. On February 25, 2011, respondents filed a joint petition for review of the subject ID. On March 4, 2011, the IA and Cross Match each filed a response in opposition to respondents’ joint petition.

The Commission has determined not to review the subject 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(h) of the Commission’s Rules of Practice and Procedure, 19 C.F.R. § 210.42(h).

By order of the Commission.

/s/
James R. Holbein
Acting Secretary to the Commission

Issued: March 18, 2011