

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

In the Matter of

**CERTAIN DISC DRIVES,
COMPONENTS THEREOF,
AND PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-516

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING A MOTION FOR SUMMARY DETERMINATION OF
NONINFRINGEMENT OF ONE PATENT AT ISSUE IN THE INVESTIGATION**

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 the initial determination (“ID”) of the presiding administrative law judge (“ALJ”) issued on March 7, 2005, granting respondent’s motion for summary determination of noninfringement of U.S. Patent No. 5,596,461 (“the ‘461 patent”), a patent at issue in the above-captioned section 337 investigation.

FOR FURTHER INFORMATION CONTACT: Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3152. Copies of the public version of the ID 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: The Commission instituted this investigation on August 5, 2004, based on a complaint filed on behalf of Seagate Technology, LLC (“Seagate”). 69 *Fed. Reg.* 47460 (Aug. 5, 2004). The complaint, as supplemented, alleged violations of section 337 in the importation into the United States, sale for importation, and sale within the United States after importation of certain disc drives, components thereof, and products containing same by reason of infringement of certain claims of seven U.S. patents, including claims 1 and 5-7 of the ‘461 patent. The notice of investigation named Cornice, Inc. (“Cornice”) of Longmont, Colorado as the sole respondent.

On December 28, 2004, the ALJ issued Order No. 6, an ID granting in part a motion for summary determination of invalidity of the asserted claims of one of the patents at issue, U.S. Patent No. 6,744,606. On January 28, 2005, the Commission determined to review and reverse Order No. 6.

On January 10, 2005, respondent Cornice filed a “Motion for Summary Determination of Noninfringement of U.S. Patent No. 5,596,461.” On January 21, 2005, complainant Seagate filed its “Opposition to Respondent Cornice, Inc.’s Motion for Summary Determination of Noninfringement of U.S. Patent No. 5,596,461 and a Counter Motion for Summary Determination of Infringement of U.S. Patent No. 5,596,461.” On February 2, 2005, Cornice filed its opposition to Seagate’s cross-motion, and on the same day the Commission investigative attorney filed his response in support of Cornice’s motion for summary determination of noninfringement, and in opposition to Seagate’s cross-motion for summary determination of infringement.

On March 7, 2005, the ALJ issued the subject ID, Order No. 8, granting Cornice’s motion for summary determination of noninfringement of the ‘461 patent and denying Seagate’s cross-motion for summary determination of infringement.

No petitions for review of the ID were filed.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, and section 210.42 of 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: March 29, 2005