

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

In the Matter of

CERTAIN NETWORK INTERFACE CARDS
AND ACCESS POINTS FOR USE IN
DIRECT SEQUENCE SPREAD SPECTRUM
WIRELESS LOCAL AREA NETWORKS
AND PRODUCTS CONTAINING SAME

Investigation No. 337-TA-455

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO THE AGERE
PARTIES ON THE BASIS OF A SETTLEMENT AGREEMENT**

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 presiding administrative law judge's ("ALJ's") initial determination ("ID") terminating the Agere parties from the above-captioned investigation on the basis of a settlement agreement.

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 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-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on April 9, 2001, based on a complaint filed by Proxim, Inc. ("Proxim") against 14 respondents. Three companies intervened, including Agere Systems Inc. ("Agere").

On June 14, 2002, complainant Proxim, intervenor Agere, and respondents Acer America Corp., MELCO, Inc., Buffalo Technology (U.S.A.), Inc., TechWorks, Inc., and Enterasys Networks, Inc. (collectively "the Agere parties") entered into a settlement agreement. On August 26, 2002, Proxim and the Agere parties filed a joint motion to terminate the investigation as to the Agere parties on the basis of the settlement agreement. The Commission investigative attorney supported the joint motion.

On September 6, 2002, the presiding ALJ issued the subject ID (Order No. 89) granting the joint motion of Proxim and the Agere parties to terminate the investigation on the basis of a settlement agreement. No party filed a petition to review the subject ID.

The authority for the Commission's action 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.

Marilyn R. Abbott
Secretary to the Commission

Issued: September 30, 2002