

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington D.C. 20436

In the Matter of

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

Inv. No. 337-TA-570

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING 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 an initial determination (“ID”) of the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337). The Commission has terminated the investigation based on a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., telephone 202-708-2310, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436. 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 SW., Washington, D.C. 20436, telephone 202-205-2000. 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>. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 16, 2006, based on a complaint filed on April 11, 2006, by Lexar Media, Inc. (“Lexar”) of Fremont, California. 71 *Fed. Reg.* 28387. The complaint alleges violations of section 337 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, flash memory systems, and products containing same by reason of infringement of claims 1 and 2 of U.S. Patent No. 6,801,979; claims 1-7 of U.S. Patent No. 6,397,314; and claims 1-13, 15, and 16 of U.S. Patent No.

6,978,342. The complaint named three respondents: Toshiba Corporation of Japan; Toshiba America, Inc. of New York, New York; and Toshiba America Electronic Components, Inc. of Irvine, California (collectively the “respondents”). The complaint further alleged that an industry in the United States exists as required by subsection (a)(2) of section 337. On August 31, 2006, Acclaim Innovations, LLC, which had become the assignee of the asserted patents, was permitted to intervene in the investigation as a co-complainant.

On September 29, 2006, the co-complainants and all respondents filed a joint motion to terminate the investigation on the basis of a settlement agreement. The Commission Investigative Attorney filed a response in support of the motion on October 10, 2006.

The ALJ issued the subject ID on October 11, 2006, granting the joint motion for termination. No party petitioned for review of the ID pursuant to 19 C.F.R. § 210.43(a), and the Commission found no basis for ordering a review on its own initiative pursuant to 19 C.F.R. § 210.44. 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(a)(2), (b) and 210.42(h)(3) of the Commission’s Rules of Practice and Procedure.

By order of the Commission.

/S/
Marilyn R. Abbott
Secretary to the Commission

Issued: October, 18, 2006