

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

---

**In the Matter of**

**CERTAIN NAND FLASH MEMORY  
CIRCUITS AND PRODUCTS CONTAINING  
SAME**

---

)  
)  
) **Inv. No. 337-TA-526**  
)  
)  
)  
)

**NOTICE OF COMMISSION DETERMINATION GRANTING A REQUEST BY THE  
ADMINISTRATIVE LAW JUDGE FOR JUDICIAL ENFORCEMENT OF A  
SUBPOENA**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to grant the administrative law judge's ("ALJ") request for judicial enforcement of a subpoena in the above-captioned investigation (ALJ's Order No. 19). The Commission has also determined that Order No. 19 is not an initial determination (ID), as designated by the ALJ, but rather is a request issued pursuant to Commission rule 210.32(g).

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3115. 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 (<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:** This patent-based section 337 investigation was instituted by the Commission based on a complaint filed by SanDisk Corporation ("Sandisk") of Sunnyvale, California. 69 *Fed. Reg.* 67758 (November 19, 2004). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain NAND flash memory circuits and products containing same by reason of infringement

of claims 27, 28, and 32 of U.S. Patent No. 5,172,338. The complaint, as supplemented, and notice of investigation named STMicroelectronics N.V. of Switzerland and STMicroelectronics, Inc. of Carrollton, Texas (collectively, "ST") as respondents.

On May 12, 2005, the ALJ issued Order No.11 which required third party Atmel Corp. ("Atmel") to produce no later than the close of business on May 27, 2005, documents covered by a subpoena issued by the ALJ seeking documents relating to certain of Atmel's prior art devices. Atmel did not produce the required documents by May 27, 2005.

On July 18, 2005, the ALJ issued Order No.19, which he designated as an ID. In Order No. 19, the ALJ granted ST's motion for judicial enforcement of Order No. 11. On July 22, 2005, Atmel filed a petition seeking review of Order No. 19. On July 25, 2005, Atmel filed a corrected petition for review. ST and the Commission investigative attorney filed their responses in opposition to Atmel's petition on July 29, 2005, and August 2, 2005, respectively. The Commission does not view Order No. 19 as an ID, but rather as a request under Commission rule 210.32(g). The Commission has determined to grant the ALJ's request for subpoena enforcement.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, and Commission Rule 210.32(g), 19 C.F.R. § 210.32(g).

By order of the Commission.

Marilyn R. Abbott  
Secretary to the Commission

Issued: August 23, 2005