

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

In the Matter of

**CERTAIN MLC FLASH MEMORY
DEVICES AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-683

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING-IN-PART COMPLAINANTS' MOTION TO EXTEND
THE HEARING DATE AND TARGET DATE, TO AMEND THE PROCEDURAL
SCHEDULE AND TO HOLD OPEN THE RECORD FOR IM FLASH AND INTEL
DISCOVERY**

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") initial determination ("ID") (Order No. 16) granting complainant's motion to extend the hearing date and target date, to amend the procedural schedule and to hold open the record for discovery involving third parties Intel Corporation ("Intel") and IM Flash Technologies, Inc. ("IM Flash").

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-1999. 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 August 27, 2009, based on a complaint filed by BTG International, Inc. of West Conshohocken, Pennsylvania ("BTG"). 74 *Fed. Reg.* 43723-4 (August 27, 2009). The complaint, as amended and supplemented, 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 power supplies by reason of infringement of certain claims of U.S. Patent Nos. 5,394,362; 5,764,571; 5,872,735, 6,104,640; and 6,118,692.

The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named various respondents.

On December 22, 2009, BTG filed an emergency motion to extend the hearing and target date, to amend the procedural schedule, and to hold open the record for IM Flash and Intel discovery. Specifically, BTG sought to extend the target date to January 24, 2011, with a hearing for the week of May 17, 2010. Respondents filed responses opposing the motion on January 4, 2010. The IA also filed an opposition on January 4, 2010.

On January 5, 2010, the ALJ issued the subject ID granting the motion-in-part, finding that, pursuant to Commission Rule 210.51(a) (19 C.F.R. § 210.51(a)), there is good cause to extend fact discovery for one additional month, to extend the target date from fifteen months to eighteen months, with a new target date of February 28, 2011, and to amend the procedural schedule. Pursuant to the new target date, the final initial determination on violation is due on October 28, 2010. No petitions for review of this ID were filed.

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 section 210.42 of the Commission's 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: January 21, 2010