

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

In the Matter of

**CERTAIN DYNAMIC RANDOM
ACCESS MEMORY
SEMICONDUCTORS AND PRODUCTS
CONTAINING SAME, INCLUDING
MEMORY MODULES**

Inv. No. 337-TA-707

NOTICE OF INVESTIGATION

AGENCY: U.S. International Trade Commission

ACTION: Institution of investigation pursuant to 19 U.S.C. § 1337

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 19, 2010, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Infineon Technologies AG of Germany and Infineon Technologies North America Corp. of Milpitas, California. An amendment to the complaint was filed on March 12, 2010. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain dynamic random access memory semiconductors and products containing same, including memory modules, by reason of infringement of certain claims of U.S. Patent Nos. 5,480,051; 5,422,309; 5,397,664; and 7,071,074. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 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>.

FOR FURTHER INFORMATION CONTACT: Juan S. Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2572.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2009).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on March 18, 2010, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain dynamic random access memory semiconductors or products containing the same, including memory modules that infringe one or more of claims 1-16 of U.S. Patent No. 5,480,051; claims 1-19 of U.S. Patent No. 5,422,309; claims 6-9 and 11 of U.S. Patent No. 5,397,664; and claims 1-20 of U.S. Patent No. 7,071,074, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Infineon Technologies AG
Am Campeon 1-12
D-85579 Neubiberg
Germany

Infineon Technologies North America Corp.
640 N. McCarthy Blvd.
Milpitas, CA 95035

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Elpida Memory Inc.
Sumitomo Seimei Yaesu Bldg. 3F
2-1 Yaesu 2-chome, Chuo-ku, Tokyo
Japan

Elpida Memory (USA) Inc.
1175 Sonora Ct.
Sunnyvale, CA 94086

Rexchip Electronics Corporation
No. 429-1, Sanfong Rd.,
Houli Township, Taichung County,
Central Taiwan Science Park, Taiwan

Kingston Technology Company Inc.
17600 Newhope Street
Fountain Valley, CA 92708

Kingston Technology (Shanghai) Co. Ltd.
No. 1, Yinglun Road, Pudong New District,
Shanghai, Shanghai 200131
China

Kingston Technology Far East Co. Ltd.
No. 1-5, Li-Hsin Road, I, Science Based
Industrial Park, Hsin-Chu
Taiwan

Kingston Technology Far East (M) Sdn. Bhd.
Plot 111-B Bayan Lepas Industrial Park
Lebuhraya Kampung Jawa, Bayan Lepas
Penang 11900
Malaysia

Payton Technology Corp.
17665 Newhope St., Ste B
Fountain Valley, CA 92708

A-Data Technology Co., Ltd.
18F., No. 258, Lian Cheng Rd.
Chung Ho City, 235 Taipei
Taiwan

A-Data Technology (USA) Co. Ltd.
17101 Gale Ave.
Hacienda Height, CA 91745

Apacer Technology, Inc.
4F, 75, Sec. 1, Xintai 5th Rd.
Xizhi City, 221 Taipei County
Taiwan

Apacer Memory America Inc.
386 Fairview Way, Suite 102
Milpitas, CA 95035

Buffalo Inc.
15, Shibata hondori 4-chome
Minami-ku
Nagoya, 457-8520
Japan

Buffalo Technology (USA), Inc.
11100 Metric Boulevard, Suite 750
Austin, TX 78758

Corsair Memory
46221 Landing Parkway
Fremont, CA 94538

Corsair Memory (Taiwan)
A-1, 5th Floor, 5 Hangsiang Road
Dayuan Township
Tao Yuan County 33747
Taiwan

Mushkin Inc.
317 Inverness Way South
Suite 130
Englewood, CO 80112

Mushkin APAC
B-13-9, Megan Avenue II
No. 12, Jalan Yap Kwan Seng
50450 Kuala Lumpur
Malaysia

Transcend Information Inc.
No. 70, XingZhong Rd.
NeiHu Dist., Taipei
Taiwan

Transcend USA
1645 North Brian Street
Orange, CA 92867

(c) The Commission investigative attorney, party to this investigation, is Juan S. Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d)-(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

_____/s/_____
Marilyn R. Abbott
Secretary to the Commission

Issued: March 22, 2010