

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

In the Matter of)

CERTAIN OPTICAL DISK CONTROLLER CHIPS)
AND CHIPSETS AND PRODUCTS CONTAINING)
SAME, INCLUDING DVD PLAYERS AND PC OPTICAL)
STORAGE DEVICES)

Inv. No. 337-TA-506

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING MOTIONS FOR RETURN OF BONDS**

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”) issued by the presiding administrative law judge (“ALJ”) in the above-captioned investigation granting two unopposed motions for return of respondents’ bonds.

FOR FURTHER INFORMATION CONTACT: Clara Kuehn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3012. Copies of the ALJ’s ID and all other 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.

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://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 the above-captioned investigation on April 14, 2004, based on a complaint filed on behalf of Zoran Corporation

(“Zoran”) and Oak Technology, Inc. (“Oak”) both of Sunnyvale, California (collectively “complainants”). 69 *Fed. Reg.* 19876. The complaint, as supplemented, alleged 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 optical disk controller chips and chipsets and products containing same, including DVD players and PC optical storage devices, by reason of infringement of certain claims of U.S. Patent Nos. 6,584,527 (“the ‘527 patent”); 6,466,736; and 6,546,440. *Id.*

On September 28, 2005, the Commission determined that there was a violation of section 337 as to claim 3 of the ‘527 patent, but no violation of the statute as to any other claim of any patent in issue. 70 *Fed. Reg.* 57620 (Oct. 3, 2005). The Commission issued a limited exclusion order prohibiting the unlicensed entry of chips or chipsets covered by claim 3 of the ‘527 patent manufactured abroad or imported by or on behalf of respondent MediaTek, Inc. (“MediaTek”), and optical storage devices containing such covered chips or chipsets that are manufactured abroad or imported by or on behalf of several respondents including ASUSTek Computer, Inc. (“ASUSTek”); ASUS Computer International (“ASUS”); TEAC America Inc. (“TEAC”); and LITE-ON Information Technology Corp. (“LITE-ON”). *Id.* The Commission also issued cease and desist orders directed to seven respondents including ASUSTek, ASUS, TEAC, and LITE-ON. *Id.*

On October 4, 2005, pursuant to the Commission’s cease and desist order, respondent Media Tek posted a bond with the Commission on behalf of respondent LITE-ON. On November 18, 2005, MediaTek posted an additional cease and desist bond with the Commission on behalf of ASUSTek and ACI. On October 25, 2005, respondent TEAC posted a cease and desist order bond with the Commission and exclusion order bonds with the Bureau of U. S. Customs and Border Protection.

On February 10, 2006, complainants Zoran and Oak and respondent MediaTek filed, pursuant to 19 U.S.C. § 1337(k) and Commission rule 210.76(a) (19 C.F.R. § 210.76(a)), a joint petition for rescission of the limited exclusion order and the cease and desist orders issued in the investigation based on a settlement agreement that resolves the underlying dispute between all of the parties, including all of the other respondents. On March 17, 2006, the Commission rescinded its remedial orders. 71 *Fed. Reg.* 14544 (March 22, 2006).

On April 5, 2006, respondents MediaTek, ASUSTek, ASUS, and LITE-ON filed an unopposed joint motion for return to MediaTek of cease and desist bonds and cash deposits posted by respondents. On April 26, 2006, respondent TEAC filed an unopposed motion for return of a cease and desist bond and exclusion order bonds posted by TEAC. On May 3, 2006, the ALJ issued an ID (Order No. 44) granting the two motions.

No petition for review of the ID was filed. The Commission has determined not to review the ID, thereby allowing it to become the Commission’s final determination.

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 210.42 and 210.50 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.42, 210.50).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: May 23, 2006