

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

In the Matter of

**CERTAIN UNIFIED
COMMUNICATIONS SYSTEMS,
PRODUCTS USED WITH SUCH
SYSTEMS, AND COMPONENTS
THEREOF**

Investigation No. 337-TA-598

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT'S MOTION TO TERMINATE THE
INVESTIGATION IN PART**

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") (Order No. 10) of the presiding administrative law judge ("ALJ") granting complainant's motion to terminate the above-captioned investigation as to certain claims of the asserted patents.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. 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 March 26, 2007, based on a complaint filed by Microsoft Corporation ("Microsoft") of Redmond, Washington. *72 Fed. Reg.* 14138-9. 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 unified communications systems, products used with such systems,

and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 6,421,439 (“the ‘439 patent”); 6,430,289 (“the ‘289 patent”); 6,263,064 (“the ‘064 patent”); and 6,728,357 (“the ‘357 patent”). The complaint further alleges the existence of a domestic industry. The Commission’s notice of investigation named Alcatel-Lucent of Paris, France as the only respondent.

On April 20, 2007, Microsoft moved to amend the complaint to: 1) substitute Alcatel Business Systems for Alcatel-Lucent as respondent in this investigation, and 2) add allegations of infringement of claims 8, 28, 38, and 48 of the ‘439 patent, and claim 20 of the ‘064 patent. Alcatel-Lucent, proposed respondent Alcatel Business Systems, and the Commission investigative attorney did not oppose the motion.

On May 17, 2007, the Commission determined not to review an ID, issued by the presiding ALJ, granting Microsoft’s motion to amend the complaint.

On September 6, 2007, complainant Microsoft moved to terminate the investigation in part on the basis of the withdrawal of the following claims: 1) claims 2, 4-5, and 11-20 of the ‘289 patent; 2) claim 8 of the ‘439 patent; 3) claims 1, 4-5, 7, and 13 of the ‘064 patent; and 4) claims 1-2, 8, and 17 of the ‘357 patent.

The ALJ issued the subject ID on September 6, 2007, granting the motion for partial termination. No party petitioned for review of the ID pursuant to 19 C.F.R. § 210.43(a). The Commission has determined not to review this 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)(1) and 210.42(h) of the Commission’s Rules of Practice and Procedure, 19 C.F.R. §§ 210.21(a)(1), 210.42(h).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: September 20, 2007