

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

In the Matter of)
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CERTAIN PERSONAL COMPUTERS,)
SERVER COMPUTERS, AND COMPONENTS)
THEREOF) **Inv. No. 337-TA-509**
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**NOTICE OF DECISION NOT TO REVIEW TWO INITIAL DETERMINATIONS EACH
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”) issued by the presiding administrative law judge (“ALJ”) on February 14, 2005, granting complainant’s motion to terminate the above-captioned investigation as to U.S. Patent Nos. 5,185,691 and 5,258,888. The Commission has also determined not to review an ID issued by the ALJ on March 3, 2005, granting complainant’s motion to terminate the above-captioned investigation as to claims 6, 7, 8, 30, 31, and 33 of U.S. Patent No. 6,085,318, and claims 1, 2, 3, 5, 8, and 10 of U.S. Patent No. 5,892,976.

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 the public version of the IDs and all 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. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. 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>.

SUPPLEMENTARY INFORMATION: On June 7, 2004, the Commission instituted an investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. §1337, based on a complaint filed by Hewlett-Packard Development Company, L.P. of Houston, Texas, and Hewlett-Packard Company of Palo Alto, California (collectively, Hewlett-Packard) alleging a violation of section

337 in the importation, sale for importation, and sale within the United States after importation of certain personal computers, server computers, and components thereof by reason of infringement of claims 1, 2, 9, 10, 16-18, and 24 of U.S. Patent No. 5, 185,691; claims 1, 2, 7, 8, 10, 11, 14, 18, and 22 of U.S. Patent No. 5,258,888; claim 1 of U.S. Patent No. 5,727,213 (the '213 patent); claims 1, 6-8, and 30-32 of U.S. Patent No. 6,085,318 (the '318 patent); claim 1 of U.S. Patent No. 5,737,604; claims 1, 2, 3, 5 and 8-10 of U.S. Patent No. 5,892,976 (the '976 patent); and claims 1, 3, 4, 6-8, 18, 20, 21, 23-25, 35, 37, 38, and 40-42 of U.S. Patent No. 6,138,184. 69 *Fed. Reg.* 31844 (June 7, 2004). The complainant named Gateway, Inc. of Poway, California, as respondent. Subsequently, the investigation was terminated as to the '213 patent.

On February 11, 2005, complainant Hewlett-Packard moved to terminate the investigation in part as to the '691 and the '888 patents. No party opposed the motion. On February 14, 2005, the presiding ALJ issued an ID granting complainant's motion. No party petitioned for review of the ALJ's ID. On March 2, 2005, complainant Hewlett-Packard moved to terminate the investigation in part as to claims 6-8 and 30-32 of the '318 patent, and claims 1-3, 5, 8, and 10 of the '976 patent. No party opposed the motion. On March 3, 2005, the presiding ALJ issued an ID granting complainant's motion. No party petitioned for review of the ALJ's 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: March 24, 2005