

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN FLASH MEMORY CHIPS
AND PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-893

**COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING AN UNOPPOSED MOTION TO WITHDRAW
CERTAIN ASSERTED PATENT CLAIMS**

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. 20) of the presiding administrative law judge (“ALJ”) granting an unopposed motion to withdraw certain asserted patent claims in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Jia Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-4737. 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 September 9, 2013, based on a complaint filed by Spansion, LLC (“Spansion”) of Sunnyvale, California, alleging 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 flash memory chips and products containing same by reason of infringement of claims 1, 4-6 and 9-10 of U.S. Patent No. 6,900,124 (“the ‘124 patent”); claims 1, 4, 5, and 6 of U.S. Patent No. 7,018,922 (“the ‘922 patent”); claims 1-3 of U.S. Patent No. 6,369,416 (“the ‘416 patent”); claims 1-14 of U.S. Patent No. 7,151,027 (“the ‘027 patent”); claims 1-14 of U.S. Patent No. 6,459,625 (“the ‘625 patent”); and claims 1-

23 of U.S. Patent No. 6,731,536 (“the ’536 patent”). 78 Fed. Reg. 55095 (Sept. 9, 2013). The notice of investigation named fourteen respondents.

On February 24, 2014, Spansion filed an unopposed motion under 19 C.F.R. § 210.21(a)(1) seeking partial termination of the investigation by withdrawing its infringement allegations with respect to claims 6 and 9 of the ’124 patent; claims 1-7 of the ’027 patent; claim 13 of the ’625 patent; and claims 11, 17, 18, 19, and 22 of the ’536 patent. The remaining asserted claims are claims 1, 4, 5, and 10 of the ’124 patent; claims 1, 4, 5, and 6 of the ’922 patent; claims 1-3 of the ’416 patent; claims 8-14 of the ’027 patent; claims 1-12 and 14 of the ’625 patent; and claims 1-10, 12-16, 20, 21, and 23 of the ’536 patent. *See* Order No. 20 at 1. Spansion represented that other than a discovery agreement, which it attached to its motion, there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation.

On March 7, 2014, the ALJ issued the subject ID granting Spansion’s motion. Order No. 20 at 2. The ALJ found that there were no extraordinary circumstances to prevent Spansion’s partial withdrawal of certain patent claims in the complaint. *Id.* No petitions for review were filed.

The Commission has determined not to review the subject 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 Part 210 of the Commission’s Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: April 4, 2014