

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

**In the Matter of**

**CERTAIN PERSONAL COMPUTER/  
CONSUMER ELECTRONIC  
CONVERGENT DEVICES,  
COMPONENTS THEREOF, AND  
PRODUCTS CONTAINING SAME**

**Investigation No. 337-TA-558**

**NOTICE OF DECISION NOT TO REVIEW AN INITIAL DETERMINATION  
EXTENDING THE TEMPORARY STAY**

**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 the presiding administrative law judge's ("ALJ") initial determination ("ID") extending the temporary stay of this investigation.

**FOR FURTHER INFORMATION CONTACT:** Michelle Walters, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5468. 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:** On December 29, 2005, the Commission instituted this investigation, based on a complaint filed by InterVideo Technology Corporation of Taiwan, alleging violations of section 337 of the Tariff Act of 1930 (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 personal computer/consumer electronic convergent devices, components thereof, and products containing the same by reason of infringement of claims 1-10 of United

States Patent No. 6,765,788 (“the ‘788 patent”). The complaint named four respondents: Dell, Inc. of Texas, WinBook Computer Corporation of Ohio, Cyberlink Corporation of Taiwan, and Cyberlink.com Corporation of California. WinBook has been terminated from the investigation on the basis of a settlement agreement.

When the Commission instituted this investigation, it directed the ALJ to consider whether the investigation should be stayed in light of an *ex parte* reexamination pending in the United States Patent and Trademark Office relating to all ten of the claims of the ‘788 patent. On February 7, 2006, the ALJ issued an ID staying the investigation for approximately three months, until April 19, 2006. In light of the status of the reexamination, the ALJ issued another ID on April 21, 2006, staying the investigation for three additional months, until July 19, 2006. The Commission chose not review either of the ALJ’s IDs staying the investigation.

On July 10, 2006, the ALJ issued a third ID extending the temporary stay pending resolution of a joint motion by respondents to terminate the investigation. No petitions for review of this ID were filed. Respondents filed their motion on July 17, 2006 and responses were filed on July 24, 2006. The ALJ indicated in his ID that he will rule promptly on this motion.

Having examined the ALJ’s ID, the Commission has determined not to review the ALJ’s ID extending the temporary stay of this investigation pending his determination on whether to grant respondents’ motion to terminate the investigation.

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: July 31, 2006