

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

**In the Matter of**

**CERTAIN MEMORY MODULES AND  
COMPONENTS THEREOF, AND  
PRODUCTS CONTAINING SAME**

**Investigation No. 337-TA-1023**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN  
INITIAL DETERMINATION TERMINATING-IN-PART THE INVESTIGATION  
BASED ON A PARTIAL WITHDRAWAL OF THE COMPLAINT**

**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") (Order No. 21) terminating the investigation in part based on a partial withdrawal of the complaint.

**FOR FURTHER INFORMATION CONTACT:** Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., 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, SW., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://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 October 7, 2016, based on a complaint filed by Netlist, Inc. ("Netlist") of Irvine, California. 81 FR 69853-54. The complaint, as 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 memory modules and components thereof, and products containing same, that infringe certain claims of U.S. Patent Nos. 8,756,364 ("the '364 patent"); 8,516,185; 8,001,434; 8,359,501; 8,689,064; and 8,489,837. *Id.* at 69853. The Commission's notice of investigation named as respondents SK hynix Inc. of Gyeonggi-

do, Republic of Korea; SK hynix America Inc. of San Jose, California; and SK hynix memory solutions Inc. of San Jose, California. *Id.* at 69854. The Office of Unfair Import Investigations is also participating in this investigation. *Id.*

On May 2, 2017, Netlist filed an unopposed motion to terminate the investigation with respect to claims 13, 17, and 23 of the '364 patent based on a partial withdrawal of its complaint. On May 4, 2017, Netlist filed an unopposed motion to terminate the investigation with respect to all claims of the '364 patent based on a partial withdrawal of its complaint. Netlist also requested that the ALJ consolidate the two motions to streamline the proceedings. No party filed a response to either motion.

On May 5, 2017, the ALJ issued the subject ID. He consolidated the motions, granted the consolidated motion, and terminated the investigation with respect to the '364 patent. No petitions for review of the ID 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 CFR part 210).

By order of the Commission.



Lisa R. Barton  
Secretary to the Commission

Issued: May 31, 2017