

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN NON-VOLATILE MEMORY
DEVICES AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-1046

**NOTICE OF COMMISSION DETERMINATION TO EXTEND THE TARGET DATE
FOR COMPLETION OF THIS INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the target date for completion of this investigation until October 9, 2018.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3042. 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 (<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 Inv. No. 337-TA-1046 on April 12, 2017, based on a complaint filed by Macronix International Co., Ltd. of Hsin-chu, Taiwan and Macronix America, Inc. of Milpitas, California. 82 *Fed. Reg.* 17687-88 (Apr. 12, 2017). The complaint 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 non-volatile memory devices and products containing the same that infringe one or more claims of U.S. Patent No. 6,552,360; U.S. Patent No. 6,788,602; and U.S. Patent No. 8,035,417. The notice of investigation named the following respondents: Toshiba Corporation of Tokyo, Japan; Toshiba America, Inc. of New York, New York; Toshiba America Electronic Components, Inc. of Irvine, California; Toshiba America Information Systems, Inc. of Irvine, California; and Toshiba Information Equipment (Philippines), Inc. of Binan, Philippines. Toshiba Memory Corporation of Tokyo, Japan was subsequently added as a respondent. *See* Order No. 11 (June 1, 2017), Comm'n Notice of Non-

Review (June 16, 2017). The Office of Unfair Import Investigations (“OUII”) is a party to the investigation.

On April, 27 2018, the ALJ issued her final ID, finding no violation of section 337 by the respondents. On May 14, 2018, the parties filed petitions for review of the final ID. On May 22, 2018, the private parties filed their respective responses to the petitions for review. On May 23, 2018, OUII filed a response to the private parties’ petitions for review.

On June 28, 2018, the Commission determined to review the final ID in part and requested briefing on certain issues. On July 12, 2018, the parties filed their initial submissions responding to the issues under review. On July 19, 2018, the parties filed response submissions.

The Commission has determined to extend the target date for completion of this investigation until October 9, 2018.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 USC 1337), and in Part 210 of the Commission’s Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: August 7, 2018