

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SOLID STATE STORAGE
DRIVES, STACKED ELECTRONICS
COMPONENTS, AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-1097

**NOTICE OF COMMISSION DETERMINATION TO EXTEND THE DATE BY WHICH
THE COMMISSION DECIDES WHETHER TO REVIEW AN INITIAL
DETERMINATION GRANTING-IN-PART A MOTION FOR SUMMARY
DETERMINATION WITH RESPECT TO THE TECHNICAL PRONG OF THE
DOMESTIC INDUSTRY REQUIREMENT**

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 date by which it decides whether to review the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 31) granting-in-part a motion for summary determination with respect to the technical prong of the domestic industry requirement in the above-captioned investigation to June 5, 2019.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2392. 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, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <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 January 26, 2018, based on a complaint filed by BiTMICRO, LLC of Reston, Virginia. 83 FR 3771 (Jan. 26, 2018). The complaint, as amended, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain solid state storage drives, stacked electronics components, and products containing the same by reason of infringement of one or more of claims 1, 2, 11, and 12 of U.S. Patent No. 7,826,243; claims 1-20 of U.S. Patent No. 6,529,416; claims 1-101 of U.S.

Patent No. 9,135,190; and claims 12 and 16 of U.S. Patent No. 8,093,103. *Id.* The complaint also alleges that an industry in the United States exists as required by 19 U.S.C. § 1337(a)(2). *Id.* The notice of investigation named as respondents Samsung Electronics Co., Ltd. of Gyeonggi-do, Republic of Korea; Samsung Semiconductor, Inc. of San Jose, California; and Samsung Electronics America, Inc. of Ridgefield Park, New Jersey (collectively, “Samsung”); SK Hynix Inc. of Gyeonggido, Republic of Korea; SK Hynix America Inc. of San Jose, California; Dell Inc. of Round Rock, Texas; Dell Technologies Inc. of Round Rock, Texas; Lenovo Group Ltd. of Beijing, China; Lenovo (United States) Inc. of Morrisville, North Carolina; HP Inc. of Palo Alto, California; Hewlett Packard Enterprise Co. of Palo Alto, California; ASUSTeK Computer Inc. of Taipei, Taiwan; ASUS Computer International of Fremont, California; Acer Inc. of New Taipei City, Taiwan; Acer America Corp. of San Jose, California; VAIO Corporation of Azumino, Japan; and Transcosmos America Inc. of Gardena, California. *Id.* at 3772. The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *Id.*

On March 26, 2019, the ALJ issued the subject ID, granting-in-part Respondents’ motion for summary determination with respect to the technical prong of the domestic industry requirement. BiTMICRO filed a timely petition for review of the subject ID. Respondents and OUII each filed a timely response to the petition.

On April 9, 2019, BiTMICRO and Respondents filed a joint motion to stay the procedural schedule by four weeks to allow time to finalize a settlement agreement. On April 10, 2019, the ALJ issued Order No. 44, granting the joint motion to stay. The procedural schedule is stayed until May 8, 2019.

The Commission has determined to extend the deadline for whether to review the subject ID from April 25, 2019 to June 5, 2019.

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 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: April 24, 2019