

CORRECTED

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

In the Matter of

**CERTAIN SYSTEMS FOR DETECTING
VIRUSES OR WORMS, COMPONENTS
THEREOF, AND PRODUCTS
CONTAINING SAME**

Inv. No. 337-TA-510

LIMITED EXCLUSION ORDER

The Commission has determined that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337), as amended, in the unlawful importation and sale by Respondent Fortinet, Inc. of certain systems for detecting and removing viruses or worms, components thereof, and products containing same, covered by one or more of claims 4, 7, 8, and 11-15 of U.S. Patent No. 5,623,600 owned by Complainant Trend Micro Inc.

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of systems for detecting and removing viruses or worms, components thereof, and products containing same, that are manufactured by or on behalf of, or imported by or on behalf of, Fortinet, Inc. The Commission has further determined that the public interest factors enumerated in 19 U.S.C.

§ 1337(d) do not preclude issuance of the limited exclusion order, and that the bond during the Presidential review period shall be in the amount of 100 percent of the entered value of the articles in question.

Accordingly, the Commission hereby **ORDERS** that:

1. Systems for detecting and removing viruses or worms, components thereof, and products containing same, covered by one or more of claims 4, 7, 8, and 11-15 of U.S. Patent No. 5,623,600 that are embodied in a tangible medium and manufactured abroad by or on behalf of, or imported by or on behalf of, Fortinet, Inc., or any of its affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, are excluded from entry for consumption into the United States, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, for the remaining term of that patent, except under license of the patent owner or as provided by law.

2. Systems for detecting and removing viruses or worms, components thereof, and products containing same that are excluded by paragraph 1 of this Order are entitled to entry for consumption into the United States, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, under bond in the amount of 100 percent of entered value pursuant to subsection (j) of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(j), from the day after this Order is received by the President until such time as the President notifies the Commission that he approves or disapproves this

action but, in any event, not later than 60 days after the date of receipt of this action.

3. In accordance with 19 U.S.C. § 1337(1), the provisions of this Order shall not apply to systems for detecting and removing viruses or worms, components thereof, and products containing same that are imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

4. The Commission may modify this Order in accordance with the procedures described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

5. The Secretary shall serve copies of this Order upon each party of record in this investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs and Border Protection.

6. Notice of this Order shall be published in the *Federal Register*.
By Order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: August 9, 2005