

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

**In the Matter of**

**CERTAIN NETWORK  
COMMUNICATIONS SYSTEMS FOR  
OPTICAL NETWORKS AND  
COMPONENTS THEREOF**

**Inv. No. 337-TA-535**

**NOTICE OF INVESTIGATION**

**AGENCY:** U.S. International Trade Commission

**ACTION:** Institution of investigation pursuant to 19 U.S.C. §1337

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 25, 2005, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. §1337, on behalf of Ciena Corporation of Linthicum, Maryland. An amended complaint was filed on March 14, 2005. The amended complaint alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain network communications systems for optical networks and components thereof by reason of infringement of claims 5-11, 13 and 14 of U.S. Patent No. 5,978,115 and claims 1-25 and 27-37 of U.S. Patent No. 6,618,176. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and permanent cease and desist orders.

**ADDRESSES:** The amended complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<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>.

FOR FURTHER INFORMATION CONTACT: David O. Lloyd, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2576.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2004).

SCOPE OF INVESTIGATION: Having considered the amended complaint, the U.S. International Trade Commission, on March 23, 2005, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain network communications systems for optical networks or components thereof by reason of infringement of one or more of claims 5-11, 13 and 14 of U.S. Patent No. 5,978,115 and claims 1-25 and 27-37 of U.S. Patent No. 6,618,176, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is –

Ciena Corporation  
1201 Winterson Road  
Linthicum, Maryland 21090

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the amended complaint is to be served:

Nortel Networks Corporation  
8200 Dixie Road  
Brampton, Ontario, Canada L6T 5P6

Nortel Networks Limited  
8200 Dixie Road  
Brampton, Ontario, Canada L6T 5P6

Nortel Networks, Inc.  
2221 Lakeside Boulevard  
Richardson, Texas 75082

Flextronics International Ltd.  
One Marina Boulevard, #28-00  
Singapore 018989

Flextronics Telecom Systems Ltd.  
802 St. James Court  
St. Denis Street  
Port Louis, Mauritius

(c) David O. Lloyd, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Charles E. Bullock is designated as the presiding administrative law judge.

Responses to the amended complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the amended complaint and the notice of investigation. Extensions of time for submitting responses to the amended complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the amended complaint and this notice and to enter a final determination containing such findings, and may result in the issuance of a limited exclusion order or cease and desist order or both directed against the respondent.

By order of the Commission.

*/s/*  
Marilyn R. Abbott  
Secretary to the Commission

Issued: March 24, 2005