

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN POWER SUPPLY
CONTROLLERS AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-541

ISSUANCE OF A MODIFIED LIMITED EXCLUSION ORDER

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has issued a modified limited exclusion order in the above-captioned investigation directed against products of respondent System General Corporation (“SG”).

FOR FURTHER INFORMATION CONTACT: Michelle Walters, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., 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, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <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>. 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: On June 13, 2005, the Commission instituted this investigation, based on a complaint filed by Power Integrations, Inc. (“PI”) of San Jose, California. The complaint, as amended and supplemented, alleged violations of section 337 of the Tariff Act of 1930 (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 power supply controllers and products containing the same. The Commission determined that SG of Taipei, Taiwan, violated section 337 by reason of infringement of claims 1, 3, 5, and 6 of United States Patent No. 6,351,398 (“the ‘398 patent”) and claims 26 and 27 of United States Patent No. 6,538,908 (“the ‘908 patent”).

On October 27, 2008, SG filed a petition for modification of the limited exclusion order in light of *Kyocera Wireless Corp. v. Int’l Trade Comm’n*, 545 F.3d 1340 (Fed. Cir. 2008), requesting that the Commission modify the existing exclusion order so it does not exclude

downstream products of non-respondents. On November 7, 2008, complainant PI filed an opposition to SG's petition for modification. On the same day, the Commission IA filed a response supporting SG's petition. Finally, on November 26, 2008, SG moved for leave to file a reply in support of its petition and also filed the reply.

Having examined the parties' submissions and the Federal Circuit's decision in *Kyocera Wireless Corp. v. Int'l Trade Comm'n*, 545 F.3d 1340 (Fed. Cir. 2008), the Commission has determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of power supply controllers that infringe one or more of claims 1, 3, 5, and 6 of the '398 patent or claims 26 and 27 of the '908 patent and that are manufactured abroad by or on behalf of, or imported by or on behalf of, SG, its affiliated companies, parents, subsidiaries, licensees, contractors, or other related business entities, or successors or assigns. The Commission has also determined to prohibit the unlicensed entry of LCD computer monitors, AC printer adapters, and sample/demonstration boards containing such infringing power supply controllers that are also manufactured abroad by or on behalf of, or imported by or on behalf of, SG, its affiliated companies, parents, subsidiaries, licensees, contractors, or other related business entities, or successors or assigns.

The Commission further determined that the public interest factors enumerated in section 337(d)(1) (19 U.S.C. § 1337(d)(1)) do not preclude issuance of this narrower limited exclusion order.

Finally, the Commission has determined to grant SG's motion for leave to file a reply in support of its petition.

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 sections 210.50 & 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.50 & 210.76).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: February 27, 2009