

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

In the Matter of

**CERTAIN UNIVERSAL SERIAL BUS
("USB") PORTABLE STORAGE
DEVICES, INCLUDING USB FLASH
DRIVES AND COMPONENTS
THEREOF**

Inv. No. 337-TA-788

NOTICE OF INSTITUTION OF INVESTIGATION

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

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on June 14, 2011, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Trek 2000 International Ltd., of Singapore; Trek Technology (Singapore) Pte. Ltd. of Singapore; and S-Com System (S) Pte. Ltd. of Singapore. The complaint 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 universal serial bus ("USB") portable storage devices, including USB flash drives and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,880,054 ("the '054 patent"); U.S. Patent No. 7,039,759 ("the '759 patent"); U.S. Patent No. D463,426 ("the '426 patent") and U.S. Patent No. 7,549,161 ("the '161 patent"). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

ADDRESSES: The 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 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>.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

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 (2011).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on July 13, 2011, 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 universal serial bus (“USB”) portable storage devices, including USB flash drives and components thereof that infringe one or more of claims 3-5 of the ‘054 patent; claims 1 and 10 of the ‘759 patent; claims 1-3 of the ‘161 patent; and the claim of the ‘426 patent, 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 complainants are:

Trek 2000 International Ltd.
30 Loyang Way #07 – 13/14/15
Loyang Industrial Estate
Singapore

Trek Technology (Singapore) Pte. Ltd.
3 Lim Teck Kim Road #01-03
Genting Centre
Singapore

S-Com System (S) Pte. Ltd.
3 Lim Teck Kim Road #01-03
Genting Centre
Singapore

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

Imation Corporation
1 Imation Way
Oakdale, MN 55128

IronKey, Inc.
600 West California Avenue
Sunnyvale, CA 94086

Kingston Technology Company, Inc.
17600 Newhope Street
Fountain Valley, CA 92708

Patriot Memory, LLC
47027 Benicia Street
Fremont, CA 94538

RITEK Corporation
No. 42
Kuan-Fu North Road
Hsin-Chu Industrial Park
Hsinchu, Taiwan 30316

Advanced Media, Inc./RITEK USA
1440 Bridgegate Drive, Suite 395
Diamond Bar, CA 91765

Verbatim Corporation, Inc.
1200 West W.T. Harris Boulevard
Charlotte, NC 28262

Verbatim Americas, LLC
1200 West W.T. Harris Boulevard
Charlotte, NC 28262

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the 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)-(e) 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 complaint and the notice of investigation. Extensions of time for submitting responses to the 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 complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the 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 complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

James R. Holbein
Secretary to the Commission

Issued: July 13, 2011