

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

In the Matter of

**CERTAIN UNIFIED
COMMUNICATIONS SYSTEMS,
PRODUCTS USED WITH SUCH
SYSTEMS, AND COMPONENTS
THEREOF**

Investigation No. 337-TA-598

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT'S MOTION FOR SUMMARY
DETERMINATION THAT IT HAS SATISFIED THE ECONOMIC PRONG OF THE
DOMESTIC INDUSTRY REQUIREMENT AS TO THE ASSERTED PATENTS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Order No. 9) of the presiding administrative law judge ("ALJ") granting complainant's motion for summary determination that it has satisfied the economic prong of the domestic industry requirement as to the asserted patents.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. 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: The Commission instituted this investigation on March 26, 2007, based on a complaint filed by Microsoft Corporation ("Microsoft") of Redmond, Washington. 72 *Fed. Reg.* 14138-9. The complaint, as amended and supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 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 unified communications systems, products used with such systems, and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 6,421,439; 6,430,289; 6,263,064; and 6,728,357. The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named Alcatel-Lucent of Paris, France as the only respondent.

On April 20, 2007, Microsoft moved to amend the complaint to: 1) substitute Alcatel Business Systems for Alcatel-Lucent as respondent in this investigation, and 2) add allegations of infringement of claims 8, 28, 38, and 48 of U.S. Patent No. 6,421,439, and claim 20 of U.S. Patent No. 6,263,064. Alcatel-Lucent, proposed respondent Alcatel Business Systems, and the Commission investigative attorney did not oppose the motion. On May 17, 2007, the Commission determined not to review an ID, issued by the presiding ALJ, granting Microsoft's motion to amend the complaint.

On August 17, 2007, complainant Microsoft moved for summary determination that it satisfied the economic prong of the domestic industry requirement as to the asserted patents. On September 5, 2007, the ALJ issued the subject ID granting complainant's motion. No party has petitioned for review.

The Commission has determined not to review the subject ID.

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 section 210.42(c) of the Commission's Rules of Practice and Procedure, 19 C.F.R. §§ 210.42(c).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: September 20, 2007