

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

In the Matter of

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

Inv. No. 337-TA-510

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW INITIAL
DETERMINATION GRANTING COMPLAINANT'S MOTION FOR SUMMARY
DETERMINATION THAT IT SATISFIES THE ECONOMIC PRONG OF THE
DOMESTIC INDUSTRY REQUIREMENT**

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 the presiding administrative law judge's ("ALJ's") initial determination ("ID") granting complainant's motion for summary determination that it satisfies the economic prong of the domestic industry requirement of 19 U.S.C. § 1337(a)(3).

FOR FURTHER INFORMATION CONTACT: Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3152. Copies of the public version of the ID and all nonconfidential 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. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. 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>.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 8, 2004, based on a complaint filed on behalf of Trend Micro Incorporated of Cupertino, California (“Trend Micro”). 69 *Fed. Reg.* 32044-45 (June 8, 2004). The complaint alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, sale for importation, and sale within the United States after importation of systems for detecting and removing viruses or worms, components thereof, and products containing same by reason of infringement of certain claims of U.S. Patent No. 5,623,600 (“the ‘600 patent”). The respondent named in the notice of investigation is the Fortinet, Inc., of Sunnyvale, CA (“Fortinet”).

On November 12, 2004, complainant Trend Micro moved pursuant to rule 210.18 (19 C.F.R. § 210.18) for a partial summary determination that it has satisfied the economic prong of the domestic industry requirement of 19 U.S.C. § 1337(a)(3) for the ‘600 patent.

On December 14, 2004, the ALJ issued the subject ID (Order No. 13) granting complainant's motion for partial summary determination that it satisfies the economic prong of the domestic industry requirement.

No petitions for review of the ID were filed.

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 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: January 6, 2005