

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

In the Matter of

CERTAIN NOR AND NAND FLASH MEMORY
DEVICES AND PRODUCTS CONTAINING SAME

Inv. No. 337-TA-560

NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING IN PART RESPONDENT'S MOTION FOR
SUMMARY DETERMINATION OF NON-INFRINGEMENT WITH RESPECT TO
CERTAIN OF RESPONDENT'S PRODUCTS

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") issued by the presiding administrative law judge ("ALJ") on November 17, 2006, granting respondent's motion for summary determination of non-infringement with respect to certain of respondent's products.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3115. Copies of the public version of the IDs 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: On February 13, 2006, the Commission instituted an investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, based on a complaint filed by SanDisk Corporation of Sunnyvale, California ("SanDisk"), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain NOR and NAND flash memory devices and products containing same by reason of infringement of claims 27, 28, 32, 51, and 64 of U.S. Patent No. 5,172,338; claims 1-8 and 10-14 of U.S. Patent No. 5,991,517; and claims 7 and 10 of U.S. patent No. 6,542,956. 71 *Fed. Reg.* 7576 (Feb. 13, 2006). The complainant named STMicroelectronics N.V. of Geneva, Switzerland, and STMicroelectronics, Inc. of Carrollton, Texas (collectively, "ST") as the respondents. Subsequently, the '956 patent was terminated from the investigation.

On September 25, 2006, respondent ST filed a motion for summary determination of non-infringement with respect to ST's SLC NOR, 1G F70 NAND, W9EL Modified Simko and W9EL TIEP products. On October 5, 2006, complainant SanDisk filed an opposition to the motion. On the same day, the Commission investigative attorney filed a response in partial support of the motion. On October 11, 2006, ST filed a motion for leave to file a reply.

On November 17, 2006, the ALJ issued an ID (Order No. 38) in which he granted ST's motion in part. The ALJ also granted ST's motion for leave to file a reply. No party petitioned for review of Order No. 38.

The Commission has determined not to review Order No. 38.

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.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: December 13, 2006