

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN COMPUTER FORENSIC
DEVICES AND PRODUCTS
CONTAINING SAME**

Inv. No. 337-TA-799

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO RESPONDENT
DATA PROTECTION SOLUTIONS BY ARCO**

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. 23) granting an unopposed motion to terminate the above-captioned investigation as to respondent Data Protection Solutions by Arco pursuant to Commission Rule 210.21 (19 C.F.R. § 210.21).

FOR FURTHER INFORMATION: Clark S. Cheney, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2661. 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 (<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 August 29, 2011, based on a complaint filed by MyKey Technology Inc. of Gaithersburg, Maryland ("MyKey"). 76 *Fed. Reg.* 53695 (Aug. 29, 2011). The complaint 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 computer forensic devices and products containing same by reason of infringement of three United States patents. The notice of investigation names numerous respondents, including Data Protection Solutions by Arco, of Hollywood, Florida ("Arco").

On January 17, 2012, MyKey filed a motion to terminate the investigation as to Arco, stating that MyKey has withdrawn its allegations against Arco. Also on January 17, 2012, Arco filed a

motion for summary determination, arguing the following: (1) Arco does not import the accused articles, (2) Arco does not infringe the patent claims asserted against Arco, and (3) the asserted patents do not protect a domestic industry.

On January 27, 2012, Arco filed a response to MyKey's motion to terminate Arco. Arco argued that it would be more appropriate for the ALJ to decide Arco's summary determination motion on the merits than it would be to allow MyKey to withdraw its allegations against Arco. Also on January 27, 2012, the Commission investigative attorney ("IA") filed a combined response to MyKey's motion to terminate and Arco's motion for summary determination. The IA favored granting MyKey's motion to terminate and denying Arco's motion for summary determination as moot after Arco's termination.

On February 21, 2012, the ALJ issued the subject ID granting MyKey's motion to terminate the investigation as to Arco and denying Arco's motion for summary determination as moot. No petitions for review of the ID were filed.

The Commission has determined not to review the 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 Part 210 of the Commission's Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read "J R Holbein", written in a cursive style.

James R. Holbein
Secretary to the Commission

Issued: March 7, 2012