

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

In the Matter of)
)
)
CERTAIN DISPLAY CONTROLLERS)
WITH UPSCALING FUNCTIONALITY) **Inv. No. 337-TA-481**
AND PRODUCTS CONTAINING SAME)
)

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING A JOINT MOTION TO TERMINATE THE
INVESTIGATION AS TO RESPONDENT SMARTASIC, INC.**

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) terminating the above-captioned investigation as to respondent SmartASIC, Inc. on the basis of a settlement agreement. Although the ID stated that the joint motion sought a termination “with prejudice,” the Commission once again clarifies that it does not designate terminations “with prejudice.” *See Certain Bar Clamps, Bar Clamp Pads, and Related Packaging, Display, and Other Materials*, Inv. No. 337-TA-429 (holding that the Commission may not terminate an investigation “with prejudice” because of its statutory duty to investigate any properly filed complaint).

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 ALJ’s ID and all other 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-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 18, 2002, based on a complaint filed by Genesis Microchip (Delaware) Inc. (“Genesis”) of Alviso, California, against Media Reality Technologies, Inc., of Sunnyvale, California, and SmartASIC, Inc. (“SmartASIC”) of San Jose, California. 67 *Fed. Reg.* 64411 (October 18, 2002). The complaint alleges violations of section 337 of the Tariff Act of 1930 in the importation and sale of certain display controllers with upscaling functionality and products containing same by reason of infringement of 42 claims of U.S. Patent No. 5,738,867.

On December 31, 2002, complainant Genesis and respondent SmartASIC filed a joint motion to terminate the investigation as to respondent SmartASIC, with prejudice, based on a settlement agreement between Genesis and SmartASIC. On January 13, 2003, the Commission investigative attorney filed a response in support of the motion. On January 14, 2003, the presiding ALJ issued an ID (Order No. 6) granting the joint motion. 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

Issued: February 12, 2003