

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

In the Matter of

**CERTAIN SOLID STATE STORAGE
DRIVES, STACKED ELECTRONICS
COMPONENTS, AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-1097

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION WITH
RESPECT TO CERTAIN ASSERTED CLAIMS**

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") initial determination ("ID") (Order No. 25) granting an unopposed motion to partially terminate the investigation with respect to certain asserted claims.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2392. 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 SW, Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://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 January 26, 2018, based on a complaint filed by BiTMICRO, LLC ("BiTMICRO") of Reston, Virginia. 83 FR 3771 (Jan. 26, 2018). The complaint, as amended, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain solid state storage drives, stacked electronics components, and products containing the same by reason of infringement of one or more of claims 1, 2, 11, and 12 of U.S. Patent No. 7,826,243 ("the '243 patent"); claims 1-20 of U.S. Patent No. 6,529,416 ("the '416 patent"); claims 1-101 of U.S. Patent No. 9,135,190 ("the '190 patent"); and claims 12 and 16 of U.S. Patent No. 8,093,103 ("the '103 patent"). *Id.* The

complaint also alleges that an industry in the United States exists as required by 19 U.S.C. § 1337(a)(2). *Id.* The notice of investigation named as respondents Samsung Electronics Co., Ltd. of Gyeonggi-do, Republic of Korea; Samsung Semiconductor, Inc. of San Jose, California; and Samsung Electronics America, Inc. of Ridgefield Park, New Jersey (collectively, “Samsung”); SK Hynix Inc. of Gyeonggido, Republic of Korea; SK Hynix America Inc. of San Jose, California; Dell Inc. of Round Rock, Texas; Dell Technologies Inc. of Round Rock, Texas; Lenovo Group Ltd. of Beijing, China; Lenovo (United States) Inc. of Morrisville, North Carolina; HP Inc. of Palo Alto, California; Hewlett Packard Enterprise Co. of Palo Alto, California; ASUSTeK Computer Inc. of Taipei, Taiwan; ASUS Computer International of Fremont, California; Acer Inc. of New Taipei City, Taiwan; Acer America Corp. of San Jose, California; VAIO Corporation of Azumino, Japan; and Transcosmos America Inc. of Gardena, California. *Id.* at 3772. The Office of Unfair Import Investigations is also a party to the investigation. *Id.*

On January 30, 2019, BiTMICRO filed an unopposed motion to partially terminate the investigation by withdrawing its allegations with respect to claim 11 of the ’243 patent and claims 2, 6-10, 12, and 16-20 of the ’416 patent.

On January 31, 2019, the ALJ issued the subject ID granting the motion. *See* Order No. 25 (Jan. 31, 2019). The ALJ found that the requirements of Commission Rule 210.21(a)(1) have been met and that no extraordinary circumstances prevent granting the motion. *Id.* at 1-2. No petition for review was filed.

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 Part 210 of the Commission’s Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: February 20, 2019