

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

In the Matter of

**CERTAIN PERSONAL COMPUTERS,
SERVER COMPUTERS, AND COMPONENTS
THEREOF**

Inv. No. 337-TA-509

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION EXTENDING THE TARGET DATE FOR COMPLETION
OF THE INVESTIGATION**

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”) extending the target date for completion of the above-captioned investigation until May 31, 2006.

FOR FURTHER INFORMATION CONTACT: Rodney Maze, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3065. 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: This investigation was instituted by the Commission on June 7, 2004, based on a complaint filed by Hewlett-Packard Development Company, L.P. of Houston, Texas and Hewlett-Packard Company of Palo Alto, California (collectively “HP”). 69 *Fed. Reg.* 31844 (June 7, 2004). The complaint alleged a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, in the importation and sale of certain personal computers, server computers, and components thereof, by reason of infringement of seven U.S. patents. The complainants named Gateway, Inc. of Poway, California as the only respondent. Claim 1 of U.S.

Patent No. 5,737,604, claims 1, 3, 4, 6-8, 18, 20, 21, 23-25, 35, 37, 38, and 40-42 of U.S. Patent No. 6,138,184 (“the ‘184 patent”), claim 9 of U.S. Patent No. 5,892,976 (“the ‘976 patent”), and claim 1 of U.S. Patent No. 6,085,318 (“the ‘318 patent”) remained at issue in this investigation on August 8, 2005, when the ALJ issued his final ID on violation and his recommended determination on remedy and bonding.

On October 20, 2005, the Commission determined to review the final ID in its entirety. *70 Fed. Reg.* 61157 (October 20, 2005). On October 27, 2005, Gateway filed a motion to stay the Commission’s review of the ID and remand to the ALJ for additional findings concerning a license agreement related to the patents at issue in this investigation (Motion Docket No. 52C). On November 7, 2005, HP and the IA filed separate responses to Gateway’s motion.

On December 8, 2005, the Commission determined to reverse the ALJ’s finding of literal infringement with respect to claims 7, 24, and 41 of the ‘184 patent and claim 9 of the ‘976 patent and to remand the investigation to the ALJ for findings concerning infringement of these claims under the doctrine of equivalents and a determination of whether the technical prong of the domestic industry requirement had been met in regard to the ‘184 and ‘976 patents. The Commission also determined to vacate that portion of the ID which concerns infringement of claim 1 of the ‘318 patent under the doctrine of equivalents. The Commission determined to affirm the remainder of the ID. The Commission also directed the ALJ to consider and rule on Motion Docket No. 52C. Finally, the Commission directed the ALJ to extend the target date of the investigation as may be necessary to conclude the proceedings and to issue his findings on remand two months before the new target date.

On December 20, 2005, the ALJ issued an ID (Order No. 46) extending the target date of the investigation by five months or until May 31, 2006. No party petitioned for review of the ID. The Commission has determined not to review this ID, thereby extending the target date in this investigation until May 31, 2006.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and section 210.42 of the Commission's Interim 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 9, 2006