

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

In the Matter of

**CERTAIN EQUIPMENT FOR
TELECOMMUNICATIONS OR DATA
COMMUNICATIONS NETWORKS,
INCLUDING ROUTERS, SWITCHES,
AND HUBS, AND COMPONENTS
THEREOF**

Investigation No. 337-TA-574

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT'S MOTION FOR SUMMARY
DETERMINATION**

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. 50) of the presiding administrative law judge ("ALJ") granting complainant's motion for summary determination that respondent is precluded from relitigating certain issues in the Commission investigation.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. 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 at <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 June 16, 2006, based on a complaint filed on May 15, 2006, by Telcordia Technologies, Inc. ("Telcordia") of Piscataway, New Jersey. An amended complaint was filed on June 5, 2006. The complaint as amended alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain equipment for telecommunications or data communications networks, including routers, switches, hubs, and components thereof, by reason of infringement of claims 1, 3, and 4 of U.S. Patent No. 4,893,306 ("the '306 patent"); claims 1, 3, 5, 8, 11, and 33 of U.S. Patent No. Re.

36,633 (“the ‘633 patent”); and claims 1, 2, 7, and 8 of U.S. Patent No. 4,835,763 (“the ‘763 patent”). The amended complaint named five respondents: Cisco Systems, Inc. (“Cisco”) of San Jose, California; Lucent Technologies, Inc. (“Lucent”) of Murray Hill, New Jersey; Alcatel S.A. of France and Alcatel USA, Inc. of Plano, Texas (collectively “Alcatel”); and PMC-Sierra, Inc. (“PMC-Sierra”) of Santa Clara, California. The complaint further alleged that an industry in the United States exists as required by subsection (a)(2) of section 337.

On August 23, 2006, the Commission issued notice of its determination not to review an ID terminating the investigation as to the ‘306 patent and certain claims of the ‘633 patent. Also, on January 4, 2007, the Commission issued notice of its determination not to review an ID terminating the investigation as to the ‘763 patent. On June 15, 2007, the Commission issued notice of its determination not to review an ID terminating the investigation as to respondents Alcatel and Lucent on the basis of a settlement agreement. On August 8, 2008, the Commission issued notice of its determination not to review an ID terminating the investigation as to respondent PMC-Sierra.

On May 16, 2007, the U.S. District Court for the District of Delaware (“District Court”) entered judgment in favor of Telecordia in parallel litigation between Telecordia and Cisco. The District Court found that Cisco infringed the ‘633 patent and rejected all of Cisco’s affirmative defenses. On June 15, 2007, Telecordia filed a motion for summary determination that Cisco was precluded from the relitigating the issues of infringement of the asserted claims of the ‘633 patent, validity and enforceability of the ‘633 patent, equitable estoppel, and laches at the Commission in view of the District Court judgment.

The ALJ issued the subject ID on August 28, 2008, granting Telcordia’s motion for summary determination. No petitions for review were 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 section 210.42(h) of the Commission’s Rules of Practice and Procedure, 19 C.F.R. §§ 210.42(h).

By order of the Commission.

/s/

Marilyn R. Abbott
Secretary to the Commission

Issued: September 17, 2008