

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

In the Matter of

**CERTAIN FLASH MEMORY
CONTROLLERS, DRIVES, MEMORY
CARDS, AND MEDIA PLAYERS AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-619

**NOTICE OF COMMISSION DETERMINATION: 1) NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO THE '808
PATENT AND 2) TO VACATE ORDER NO. 22**

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. 31) terminating the investigation as to United States Patent No. 5,719,808 ("the '808 patent"). The Commission has also determined to vacate the ALJ's Order No. 22, currently on review.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. 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 December 12, 2007, based on a complaint filed by SanDisk Corporation ("SanDisk"). The complaint alleges violations of section 337 of the Tariff Act of 1930 (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 flash memory controllers, drives, memory cards, media players, and

products containing the same by reason of infringement of various claims of five United States patents. The complaint names nearly fifty respondents.

On March 12, 2008, the ALJ issued Order No. 22, denying the motion of certain respondents to terminate the case with respect to the '808 patent, but granting their motion to stay the investigation. He also bifurcated the investigation and extended the target date as to the '808 patent to eighteen months (18) months after a final judgment that is no longer subject to judicial review is rendered in the California state court case regarding ownership of that patent. The Commission issued a notice on April 11, 2008, determining to review Order No. 22 and requesting further briefing.

On April 24, 2008, SanDisk filed a motion to terminate the investigation as to the '808 patent. Neither respondents nor the Commission Investigative Attorney opposed the motion. The same respondents who had previously moved to stay the investigation as to the '808 patent, however, requested that the termination be conditional.

On May 6, 2008, the ALJ issued the subject ID granting SanDisk's motion to terminate the investigation as to the '808 patent. The ALJ declined, however, to grant respondents' request that the termination be granted conditionally. No petitions for review of this ID were filed.

The Commission has determined not to review the ID. Further, the Commission has determined: 1) to vacate Order No. 22 and 2) that further briefing in response to the Commission's notice of April 11, 2008 is no longer required.

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-.45 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42-.45).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: May 30, 2008