

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

**In the Matter of**

**DIGITAL PROCESSORS, DIGITAL  
PROCESSING SYSTEMS,  
COMPONENTS THEREOF, AND  
PRODUCTS CONTAINING SAME**

**Inv. No. 337-TA-529**

**NOTICE OF INVESTIGATION**

AGENCY: U.S. International Trade Commission

ACTION: Institution of investigation pursuant to 19 U.S.C. §1337

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 7, 2004, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. §1337, on behalf of BIAX Corporation of Boulder, Colorado. The complaint 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 digital processors and digital processing systems, components thereof, and products containing same by reason of infringement of claims 11-13, 26, and 32-33 of U.S. Patent No. 4,487,755, claims 6, 8, 13-14, 28, 33-34, and 36 of U.S. Patent No. 5,021,954, claims 1-3, 9-21, 23, and 25-30 of U.S. Patent No. 5,517,628, claims 3-9, 11-12, and 16-24 of U.S. Patent No. 6,253,313, and claims 1, 3, 5, 7-8, 10, 13-16, 18, 20-22, and 24-28 of U.S. Patent No. 5,765,037. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

Complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint and its exhibits, except for any confidential information contained therein, are 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., Room 112, Washington, D.C. 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 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>.

FOR FURTHER INFORMATION CONTACT: Benjamin D.M. Wood, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2582.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2004).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on December 30, 2004, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain digital processors and digital processing systems, components thereof, and products containing same by reason of infringement of one or more of claims 11-13, 26, or 32-33 of U.S. Patent No. 4,487,755, claims 6, 8, 13-14, 28, 33-34, or 36 of U.S. Patent No. 5,021,954, claims 1-3, 9-21, 23, or 25-30 of U.S. Patent No. 5,517,628, claims 3-9, 11-12, or 16-24 of U.S. Patent No. 6,253,313, or claims 1, 3, 5, 7-8, 10, 13-16, 18, 20-22, or 24-28 of U.S. Patent No. 5,765,037, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is –

BIAX Corporation  
2452 Briarwood Drive  
Boulder, Colorado 80305

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Texas Instruments, Inc.  
12500 TI Boulevard  
Dallas, Texas 75243-4136

iBiquity Digital Corporation  
8865 Stanford Boulevard, Suite 202  
Columbia, Maryland 21045

Kenwood Corporation  
2967-3 Ishikawa-machi  
Hachioji-shi  
Tokyo, 192-8525  
Japan

Kenwood U.S.A. Corporation  
2201 E Dominguez Street  
Long Beach, California 90810

- (c) Benjamin D.M. Wood, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Sidney Harris is designated as the presiding administrative law judge.

A response to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d) and 210.13(a), such response will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting the response to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter a final determination containing such findings, and may result in the issuance of a limited exclusion order or cease and desist order or both directed against the respondent.

By order of the Commission

Marilyn R. Abbott  
Secretary to the Commission

Issued: January 3, 2005