

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

In the Matter of

**CERTAIN SEMICONDUCTOR CHIPS
HAVING SYNCHRONOUS DYNAMIC
RANDOM ACCESS MEMORY
CONTROLLERS AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-661

NOTICE OF EXTENSION OF TARGET DATE; REQUEST FOR FURTHER BRIEFING

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the target date for completion of the above-captioned investigation so that the Commission may accept and consider further briefing regarding a license agreement involving complainant Rambus, Inc. and Samsung Electronics Co., Ltd. (“Samsung”).

FOR FURTHER INFORMATION CONTACT: Paul M. Bartkowski, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5432. 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 Inv. No. 337-TA-661 on December 10, 2008, based on a complaint filed by Rambus, Inc. of Los Altos, California (“Rambus”). 73 *Fed. Reg.* 75131-2. The complaint, as amended and supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“section 337”), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic devices by reason of infringement of certain claims of U.S. Patent Nos. 6,470,405 (“the ‘405 patent”); 6,591,353 (“the ‘353 patent”); 7,287,109 (“the ‘109 patent”); 7,117,998 (“the ‘998 patent”); 7,210,016 (“the ‘016 patent”); 7,287,119 (“the ‘119 patent”); 7,330,952 (“the ‘952 patent”); 7,330,953 (“the ‘953 patent”); and 7,360,050 (“the ‘050 patent”). The Commission’s notice of investigation named the following

respondents: NVIDIA Corporation of Santa Clara, California; Asustek Computer, Inc. of Taipei, Taiwan; ASUS Computer International, Inc. of Fremont, California; BFG Technologies, Inc. of Lake Forest, Illinois; Biostar Microtech (USA) Corp. of City of Industry, California; Biostar Microtech International Corp. of Hsin Ten, Taiwan; Diablotek Inc. of Alhambra, California; EVGA Corp. of Brea, California; G.B.T. Inc. of City of Industry, California; Gigabyte Technology Co., Ltd. of Taipei, Taiwan; Hewlett-Packard Co. of Palo Alto, California; MSI Computer Corp. of City of Industry, California; Micro-star International Co., Ltd. of Taipei, Taiwan; Palit Multimedia Inc. of San Jose, California; Palit Microsystems Ltd. of Taipei, Taiwan; Pine Technology Holdings, Ltd. of Hong Kong and Sparkle Computer Co. of Taipei, Taiwan (referred to collectively as “Respondents”).

On July 13, 2009, the Commission issued a notice terminating the ‘119, ‘952, ‘953, and ‘050 patents and certain claims of the ‘109 patent from the investigation.

On January 22, 2010, the ALJ issued his Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond (“ID”). The ALJ found that Respondents violated section 337 by importing certain semiconductor chips having synchronous dynamic random access memory controllers and products containing same with respect to various claims of the ‘405, ‘353, and ‘109 patents (“the Barth I patents”). The ALJ determined that there was no violation of section 337 with respect to the asserted claims of the ‘016 and ‘998 patents (“the Ware patents”).

On March 25, 2010, the Commission determined to review (1) the ID’s anticipation and obviousness findings with respect to the Ware patents; (2) the ID’s obviousness-type double patenting analysis regarding the asserted Barth I patents; and (3) the ID’s analysis of the alleged obviousness of the asserted Barth I patents. The Commission invited briefing on the issues under review and on the issues of remedy, the public interest, and bonding. Having reviewed the parties’ submissions, and responses thereto, the Commission has determined to request further briefing on the impact of the license between Rambus and Samsung on the ALJ’s findings and conclusions. The Commission is particularly interested in briefing on the issue of patent exhaustion that Respondents raised in their petition for review and remedy submissions as it relates to the license.

Initial submissions on this topic should be filed on or before June 7, 2010, and responses thereto should be filed on or before June 15, 2010. Submissions and responses should be no more than 30 pages long and should include appropriate citations to evidence of record in this investigation. Submissions should not contain factual material that is not already part of the record. To accommodate this briefing, and the Commission’s consideration thereof, the Commission has determined to extend the target date by two months to July 26, 2010.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such

requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 C.F.R. § 201.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

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 C.F.R. Part 210).

By order of the Commission.

/s/
William R. Bishop
Acting Secretary to the Commission

Issued: May 26, 2010