

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN FLASH MEMORY CHIPS AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-893

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING A JOINT MOTION TO TERMINATE THE
INVESTIGATION IN ITS ENTIRETY BASED UPON SETTLEMENT;
TERMINATION 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”) (Order No. 78) of the presiding administrative law judge (“ALJ”) granting a joint motion by complainant and respondents to terminate the investigation in its entirety based upon settlement.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3042. 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 September 9, 2013, based on a complaint filed by Spansion, LLC of Sunnyvale, California (“Spansion”). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 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 chips and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 6,900,124; 7,018,922; 6,369,416; 7,151,027; 6,459,625; and 6,731,536. *See 78 Fed. Reg.* 55095 (Sept. 9, 2013). The notice of investigation named the following respondents: Macronix

International Co, Ltd., of Hsin-chu, Taiwan; Macronix America, Inc., of Milpitas, California; Macronix Asia Limited of Kanagawa Pref., Japan; Macronix (Hong Kong) Co., Ltd., of Sha Tin, N.T., Hong Kong; Acer Inc. of New Taipei City, Taiwan; Acer America Corporation of San Jose, California; ASUSTek Computer Inc. of Taipei, Taiwan; Asus Computer International of Fremont, California; Belkin International, Inc., of Playa Vista, California; D-Link Corporation of Taipei City, Taiwan; D-Link System, Inc., of Fountain Valley, California; Netgear Inc., San Jose, California; Nintendo Co., Ltd., of Kyoto, Japan; and Nintendo of America, Inc., of Redmond, Washington (collectively, “Respondents”).

On January 29, 2015, Spansion and Respondents filed a joint motion to terminate the investigation in its entirety based upon the execution of a settlement agreement. On February 9, 2015, the Commission investigative attorney filed a response in support of termination. No other responses to the motion were filed.

On February 11, 2015, the ALJ issued the subject ID, granting the joint motion to terminate the investigation in its entirety. The ALJ found that the settlement agreement complies with the requirements of Commission Rule 210.21(b) (19 C.F.R. § 210.21(b)) and that terminating Respondents from the investigation would not be contrary to the public interest. None of the parties petitioned for review of the ID.

The Commission has determined not to review the 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 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: March 10, 2015