

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC**

In the Matter of

**CERTAIN NON-VOLATILE MEMORY
CHIPS AND PRODUCTS CONTAINING
THE SAME**

Inv. No. 337-TA-916

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION
WITH RESPECT TO CERTAIN PATENT CLAIMS**

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. 23) granting an unopposed motion to terminate the above-captioned investigation with respect to certain patent claims.

FOR FURTHER INFORMATION CONTACT: Clark S. Cheney, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C., 20436, telephone (202) 205-2661. Copies of all 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 SW., Washington, D.C. 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<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 the matter can be obtained by contacting the Commission’s TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 4, 2014, based on a complaint filed by Spansion LLC, of Sunnyvale, California (“Spansion”). 79 *Fed. Reg.* 32312-13 (June 4, 2014). 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 non-volatile memory chips and products containing the same by reason of infringement of certain claims of four U.S. patents, including claims 1-7 and 9-13 of U.S. Patent No. 6,246,611 (“the ’611 patent”); claims 1, 3-5, 8, and 10-13 of U.S. Patent No. 6,744,666 (“the ’666 patent”); claims 1, 5-12, 15-17, 20, and 21 of U.S. Patent No. 6,399,446 (“the ’446 patent”); and claims 1,

4-1 1, 13-15, 17, 18, and 22 of U.S. Patent 6,436,766 (“the ’766 patent”). The notice of investigation named numerous respondents.

On November 7, 2014, the Commission issued a notice terminating claims 4 and 12 of the ’611 patent from the investigation.

On December 15, 2014, Spansion filed an unopposed motion to terminate the investigation with respect to claims 1 and 2 of the ’611 patent; claims 1, 7-10, 16, and 17 of the ’446 patent, and claim 5-8, 11, 14-15, and 22 of the ’766 patent, based on a withdrawal of allegations as to those claims. On December 17, 2014, the ALJ issued the subject ID (Order No. 23). The ALJ found no evidence of extraordinary circumstances to prevent Spansion from withdrawing the claims in question, and the ALJ concluded that termination of the claims from the investigation would conserve public and private resources. The ALJ therefore granted the motion. No petitions for review of the ID were filed.

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 Part 210 of the Commission’s Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton
Secretary to the Commission

Issued: January 9, 2015