

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

In the Matter of

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

Investigation No. 337-TA-922

**NOTICE OF THE COMMISSION'S DETERMINATION TO RESCIND THE
CONSENT ORDER DIRECTED TO ALLIED TELESIS, INC.**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to rescind the consent order, directed to Allied Telesis, Inc., issued in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2737. 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 August 4, 2014, based on a complaint filed on behalf of Macronix International Co., Ltd. of Taiwan and Macronix America, Inc., of Milpitas, California (collectively "Macronix"). *79 Fed. Reg.* 45221 (Aug. 4, 2014). The complaint alleged violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the sale for importation, importation, or sale within the United States after importation of certain devices containing non-volatile memory and products containing the same by reason of infringement of certain claims of U.S. Patent No. 5,998,826; U.S. Patent No. 6,031,757; U.S. Patent No. 8,341,324; and U.S. Patent No. 8,341,330. The notice of investigation named Spansion Inc. of Sunnyvale, California; Spansion LLC of

Sunnyvale, California and Spansion (Thailand) Ltd. of Nonthaburi, Thailand (collectively “Spansion”); Aerohive Networks, Inc. of Sunnyvale, California; Ciena Corporation of Hanover, Maryland; Delphi Automotive PLC of Kent, United Kingdom; Delphi Automotive Systems, LLC of Troy, Michigan; Polycom, Inc. of San Jose, California; Ruckus Wireless, Inc. of Sunnyvale, California; ShoreTel Inc. of Sunnyvale, California; Tellabs, Inc. of Naperville, Illinois; Tellabs North America, Inc. of Naperville, Illinois; TiVo Inc. of San Jose, California; and Allied Telesis, Inc. of Bothell, Washington (“Allied”) as respondents. The Office of Unfair Import Investigations (“OUII”) was also named as a party to the investigation.

On September 22, 2014, the Commission terminated Allied from the investigation based on entry of a consent order against Allied (“Consent Order”). In January 2015, Macronix and Spansion entered into a settlement agreement that resolved the underlying dispute in the investigation, and the Commission terminated the investigation.

On March 25, 2015, Allied filed a petition to rescind the Consent Order pursuant to Commission Rule 210.76 (a)(1) based on changed conditions of fact or law. Specifically, Allied states that Spansion is the supplier of the articles covered by the Consent Order and the settlement agreement between Macronix and Spansion appears to have authorized the conduct that was prohibited by the Consent Order.

On April 6, 2015, OUII filed a response in support of the petition. Macronix did not oppose the petition. Upon consideration of the petition, OUII’s response, and Macronix’s lack of opposition, the Commission grants Allied’s petition and rescinds the Consent Order.

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.



Lisa R. Barton
Secretary to the Commission

Issued: May 6, 2015