

**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 NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO ALLIED
TELESIS, INC. BASED ON ISSUANCE OF A CONSENT ORDER; ISSUANCE OF A
CONSENT ORDER**

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 the presiding administrative law judge’s (“ALJ”) initial determination (“ID”) (Order No. 4) terminating the investigation as to respondent Allied Telesis, Inc. based on issuance of a consent order.

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 “Complainants”). 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; Spansion (Thailand) Ltd. of Nonthaburi, Thailand; 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 (collectively “the non-moving Respondents”); 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 August 14, 2014, Complainants and respondent Allied filed a joint motion to terminate the investigation based upon a consent order stipulation and a proposed consent order. The moving parties represented that there are no other agreements, written or oral, other than the consent order stipulation and consent order. OUII filed a response in support of the motion. The non-moving Respondents filed a response stating that they do not oppose the motion.

On August 25, 2014, the ALJ granted the motion for termination of investigation. The ALJ found that the consent order and consent order stipulation complied with the Commission’s rules. The ALJ also found that there was no evidence that terminating the investigation as to Allied would be contrary to the public interest. No petitions for review were filed.

The Commission has determined not to review the subject 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.



Lisa R. Barton
Secretary to the Commission

Issued: September 22, 2014