

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

**In the Matter of**

**CERTAIN DIGITAL PROCESSORS AND  
DIGITAL PROCESSING SYSTEMS,  
COMPONENTS THEREOF, AND  
PRODUCTS CONTAINING SAME**

**Investigation No. 337-TA-559**

**ORDER**

The Commission instituted this investigation on January 17, 2006, based on a complaint filed by Biax Corporation (“Biax”) of Boulder, Colorado, alleging a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, sale for importation, or sale within the United States after importation of certain digital processors and digital processing systems, components thereof, and products containing the same by reason of infringement of claims 3, 4, 6, 8-12, and 36 of United States Patent No. 5,021,945 (“the ‘945 patent”), claims 18-20, 23, and 25-27 of United States Patent No. 5,517,628 (“the ‘628 patent”), and claims 3-11, 13, 14, 19, and 21-25 of United States Patent No. 6,253,313 (“the ‘313 patent”). 71 *Fed. Reg.* 2565 (Jan. 17, 2006). The amended complaint names Philips Semiconductors B.V. of the Netherlands; Philips Semiconductors, Inc. of San Jose, California; Philips Consumer Electronics B.V. of the Netherlands; Philips Electronics North America Corp. of Atlanta, Georgia (collectively, “Philips”); and 2Wire, Inc. (“2Wire”) of San Jose, California, as respondents.

On August 7, 2006, Philips moved for summary determination of non-infringement of the ‘945 patent, the ‘628 patent, and the ‘313 patent. Respondent 2Wire filed a motion joining

Philips' motion for summary determination. The Commission investigative attorney ("IA") and Biax opposed the motion for summary determination.

On October 4, 2006, the administrative law judge ("ALJ") issued an initial determination ("ID"), granting respondents' motion for summary determination of non-infringement with regard to claims 19, 20, 23, and 25-27 of the '628 patent and claims 3-11, 13, 14, 19, and 21-25 of the '313 patent, but denying the motion with regard to claim 18 of the '628 patent. The '945 patent was addressed in another ID. On October 12, 2006, Biax and the IA filed petitions for review of the ALJ's determination. On October 19, 2006, Philips and 2Wire filed a combined response to Biax's and the IA's petitions. On the same day, the IA filed a response to Biax's petition. The Commission did not request any further briefing from the parties.

Having considered the relevant parts of the record and the parties' submissions in this investigation, it is hereby **ORDERED THAT**:

1. The ALJ's claim construction of the phrase "register file of at least two registers" in the '628 patent is affirmed.
2. The ALJ's claim construction of the phrase "register file of at least two condition code registers" in the '628 patent is vacated.
3. The ALJ's claim construction of the term "condition storage" in the '313 patent is vacated.
4. The ALJ's finding of no literal infringement of claims 19, 20, 23, and 25-27 of the '628 patent is vacated.
5. The ALJ's finding of no literal infringement of claims 3-11, 13, 14, 19, and 21-25 of the '313 patent is vacated.
6. The ALJ's finding of no infringement under the doctrine of equivalents of claims 19, 20, 23, and 25-27 of the '628 patent is vacated.

7. The ALJ's finding of no infringement under the doctrine of equivalents of claims 3-11, 13, 14, 19, and 21-25 of the '313 patent is vacated.
8. The ALJ's finding that there were no genuine issues of material fact precluding summary judgment is vacated.
9. This matter is remanded to the ALJ to conduct further proceedings in accordance with this Order and the Opinion in support thereof. The ALJ may include his findings on the issues in his final initial determination.
10. The Secretary shall serve copies of this Order, and the Commission Opinion in support thereof, upon each party of record in this investigation.

By order of the Commission.

/s/  
Marilyn R. Abbott  
Secretary to the Commission

Issued: November 20, 2006