

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

In the Matter of

**CERTAIN MEMORY MODULES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1089

**NOTICE OF COMMISSION DETERMINATION NOT TO
REVIEW AN INITIAL DETERMINATION TERMINATING CERTAIN 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. 12) issued by the presiding administrative law judge (“ALJ”) on March 19, 2018, terminating the investigation with respect to seven claims.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 708-5468. 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, 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 this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION The Commission instituted this investigation on December 4, 2017, based on a complaint filed by Netlist, Inc. (“Netlist”) of Irvine, California. 82 FR 57290-91. The complaint, as supplemented, alleges 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 memory modules and components thereof that infringe certain claims of U.S. Patent Nos. 9,606,907 (“the ’907 patent”) and 9,535,623. *Id.* The Commission’s notice of investigation named as respondents SK hynix Inc. of the Republic of Korea; SK hynix America Inc. of San Jose, California; and SK hynix memory solutions Inc. of San Jose, California. *Id.* at 57291. The Office of Unfair Import

Investigations is also participating in this investigation. *Id.*

On March 14, 2018, Netlist filed an unopposed motion to terminate the investigation in part by withdrawing its complaint with respect to claims 30-35 and 38 of the '907 patent. No party filed a response to the motion.

On March 19, 2018, the ALJ issued the subject ID, which finds Netlist's motion to be in compliance with Commission rule 210.21(a)(1), 19 CFR § 210.21(a)(1). The ID grants the motion and terminates the investigation with respect to claims 30-35 and 38 of the '907 patent. No petitions for review of the ID 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 CFR part 210).

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: April 5, 2018