

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MLC FLASH MEMORY
DEVICES AND PRODUCTS
CONTAINING SAME**

Inv. No. 337-TA-683

NOTICE OF INVESTIGATION

AGENCY: U.S. International Trade Commission

ACTION: Institution of investigation pursuant to 19 U.S.C. § 1337

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 27, 2009, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of BTG International Inc. of West Conshohocken, Pennsylvania. A letter supplementing the complaint was filed on August 18, 2009. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain MLC flash memory devices and products containing same by reason of infringement of certain claims of U.S. Patent Nos. 5,394,362; 5,764,571; 5,872,735; 6,104,640; and 6,118,692. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 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>.

FOR FURTHER INFORMATION CONTACT: Stephen R. Smith, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2746.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2009).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on August 21, 2009, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain MLC flash memory devices or products containing same that infringe one or more of claim 1 of U.S. Patent No. 5,394,362; claims 1-47 of U.S. Patent No. 5,764,571; claims 29-42 of U.S. Patent No. 5,872,735; claims 1, 2, 5-8, 11-14, 17-21, 24-27, 29, 31-33, 35, 37, and 38 of U.S. Patent No. 6,104,640; and claims 43 and 64 of U.S. Patent No. 6,118,692; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is –

BTG International Inc.
Five Tower Bridge, Suite 800
300 Barr Harbor Drive
West Conshohocken, Pennsylvania 19428-2998

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Samsung Electronics Co., Ltd.
250, 2-ga, Taepyong-ro Jang-gu
Seoul 100-742, South Korea

Samsung Electronics America, Inc.
105 Challenger Road
Ridgefield Park, New Jersey 07660

Samsung Semiconductor, Inc.
3655 North First Street
San Jose, California 95134

Samsung Telecommunications America, LLC
1301 East Lookout Drive
Richardson, Texas 75082

Apple, Inc.
1 Infinite Loop
Cupertino, California 95014

ASUSTek Computer, Inc.
150 Li-Te Rd.
Peitou
Taipei 112, Taiwan

ASUS Computer International
800 Corporate Way
Fremont, California 94539

Dell, Inc.
1 Dell Way
Round Rock, Texas 78682-2222

Lenovo Group Limited
23rd Floor, Lincoln House
Taikoo Place, 979 King's Road
Quany Bay, Hong Kong

Lenovo (United States) Inc.
1009 Think Place
Morrisville, North Carolina 27560

PNY Technologies, Inc.
299 Webro Rd.
Parsippany, New Jersey 07054-0218

Research In Motion, Ltd.
295 Phillip Street
Waterloo, Ontario
Canada N2L 3W8

Research in Motion Corporation
122 West John Carpenter Parkway
Suite 430
Irving, Texas 75039

Sony Corporation
1-7-1, Konan, Minato-ku
Tokyo 108-0075, Japan

Sony Electronics, Inc.
16530 Via Esprillo
San Diego, California 92127

Transcend Information, Inc.
No. 70, Xing Zhong Rd.
NeiHu Dist.
Taipei, Taiwan

(c) The Commission investigative attorney, party to this investigation, is Stephen R. Smith, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against a respondent.

By order of the Commission.
Marilyn R. Abbott, Secretary to the Commission

William R. Bishop
Acting Secretary to the Commission

Issued: August 24, 2009