

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN FLASH MEMORY CHIPS AND
PRODUCTS CONTAINING SAME**

Inv. No. 337-TA-664

**ORDER NO. 54: INITIAL DETERMINATION GRANTING CONSENT MOTION OF
COMPLAINANTS SPANSION LLC AND SPANSION, INC. TO TERMINATE THE
INVESTIGATION IN PART AS TO U.S. PATENT 6,080,639**

(April 7, 2010)

On April 2, 2010, pursuant to 19 C.F.R. § 210.21(a), Complainants Spansion, Inc. and Spansion LLC (collectively, "Spansion") filed a consent motion (664-077) for partial termination of the Investigation as to all asserted claims of U.S. Patent No. 6,080,639 ("the '639 patent") without prejudice. Spansion asserts that "the motion would significantly reduce the number of issues to be decided by the Commission by removing one of the three remaining patents at issue in this investigation." (Spansion Mem. at 3.) The motion states that the Samsung Respondents, Downstream Respondents, and the Commission Investigative Staff do not oppose said motion.

The Commission's Rules provide that

Any party may move at any time prior to the issuance of an initial determination on violation of section 337 of the Tariff Act of 1930 for an order to terminate an investigation in whole or in part as to any or all respondents, on the basis of withdrawal of the complaint or certain allegations contained therein, or for good cause other than the grounds listed in paragraph (a)(2) of this section. The presiding administrative law judge may grant the motion in an initial determination upon such terms and conditions as he deems proper.


19 C.F.R. § 210.21(a)(1). In the instant Investigation, the motion to terminate is based on withdrawal of certain allegations in the Complaint. The Commission has held that "in the absence

of extraordinary circumstances, termination of the investigation will be granted to a complainant during the prehearing stage of an investigation.” *See Certain Ultrafiltration Membrane Sys., and Components Thereof, Including Ultrafiltration Membranes*, Inv. No. 337-TA-107, Comm’n Action and Order at 2 (Mar. 11, 1982). Moreover, public policy supports termination in order to conserve public and private resources. *See Certain Semiconductor Light Emitting Devices, Components Thereof, and Prods. Containing Same*, Inv. No. 337-TA-444, Order No. 7 (June 27, 2001).

The undersigned finds no extraordinary circumstances that would prevent the requested termination of the ’639 patent from this Investigation. Accordingly, the present motion is granted and the ’639 patent is terminated from this Investigation. This Initial Determination is hereby certified to the Commission.

Pursuant to 19 C.F.R. § 210.42(h), this Initial Determination shall become the determination of the Commission unless a party files a petition for review of the Initial Determination pursuant to 19 C.F.R. § 210.43(a), or the Commission, pursuant to 19 C.F.R. § 210.44, orders, on its own motion, a review of the Initial Determination or certain issues herein.

SO ORDERED.



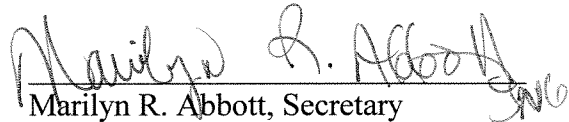
Charles E. Bullock
Administrative Law Judge

IN THE MATTER OF CERTAIN FLASH MEMORY CHIPS AND PRODUCTS CONTAINING SAME **337-TA-664**

CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **ORDER NO. 54 / INITIAL DETERMINATION** has been served upon, **Bryan F. Moore, Esq.**, Commission Investigative Attorney, and the following parties via first class mail and air mail where necessary on

APR 07 2010, 2010.


Marilyn R. Abbott, Secretary
U.S. International Trade Commission
500 E Street, S.W., Room 112A
Washington, DC 20436

FOR COMPLAINANT SPANSION, INC. & SPANSION LLP:

Gilbert Kaplan, Esq.
KING & SPAULDING LLP
1700 Pennsylvania Avenue, N.W.
Washington, DC 20006

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

FOR RESPONDENTS SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS AMERICA, INC., SAMSUNG INTERNATIONAL INC., SAMSUNG SEMICONDUCTOR, INC., SAMSUNG TELECOMMUNICATIONS AMERICA, LLC, SHANGHAI LENOVO ELECTRONIC CO. LTD., ASUSTEK COMPUTER INC., ASUS COMPUTER INTERNATIONAL INC., APPLE, INC., TRANSCEND INFORMATION INC., TRANSCEND INFORMATION, INC. (US), TRANSCEND INFORMATION INC. (SHANGHAI FACTORY), KINGSTON TECHNOLOGY COMPANY, INC., KINGSTON TECHNOLOGY (SHANGHAI) CO. LTD, KINGSTON TECHNOLOGY FAR EAST CO., KINGSTON TECHNOLOGY FAR EAST (MALAYSIA), PNY TECHNOLOGIES, INC., SONY CORPORATION , SONY CORPORATION OF AMERICA, SONY ERICSSON MOBILE COMMUNICATIONS AB NYA VATTENTORNET, SONY ERICSSON MOBILE COMMUNICATIONS (USA), INC., BEIJING SE PUTIAN MOBILE COMMUNICATIONS CO., VERBATIM AMERICAS LLC, VERBATIM CORPORATION & HON HAI PRECISION INDUSTRY CO. LTD

Sean Trainor, Esq.
KIRKLAND & ELLIS LLP
655 Fifteenth Street, N.W.
Washington, DC 20005

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

IN THE MATTER OF CERTAIN FLASH MEMORY CHIPS AND PRODUCTS CONTAINING SAME 337-TA-664

FOR RESPONDENTS RESEARCH IN MOTION LTD. & RESEARCH IN MOTION CORPORATION

V. James Adduci, Esq.
ADDUCI MASTRIANI & SCHAUMBERG LLP
1200 Seventeenth Street, N.W., Fifth Floor
Washington, DC 20036

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

FOR RESPONDENTS SONY CORPORATION & SONY CORPORATION OF AMERICA

John M. Caracappa, Esq.
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

PUBLIC MAILING LIST

Heather Hall
LEXIS - NEXIS
9443 Springboro Pike
Miamisburg, OH 45342

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

Kenneth Clair
THOMSON WEST
1100 – 13th Street NW
Suite 200
Washington, DC 20005

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____