

**INTERNATIONAL TRADE COMMISSION**

[Inv. No. 337-TA-409]

**Certain CD-ROM Controllers and Products Containing the Same—II; Notice of Final Determination**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has found no violation of section 337 of the Tariff Act of 1930 in the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:** Timothy P. Monaghan, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone 202-205-3152. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.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 May 13, 1998, based on a complaint filed by Oak Technology, Inc. 63 FR 26625 (1998). The complaint named four respondents: MediaTek, Inc., United Microelectronics Corporation ("UMC"), Lite-On Technology Corp., and AOpen, Inc., Actima Technology Corporation, ASUSTek Computer, Incorporated, Behavior Tech Computer Corporation, Data Electronics, Inc., Momitsu Multi Media Technologies, Inc., Pan-International Industrial Corporation, and Ultima Electronics Corporation were permitted to intervene in the investigation.

In its complaint, Oak alleged that respondents violated section 337 by importing into the United States, selling for importation, and/or selling in the United States after importation electronic products and/or components that infringe claims of U.S. Letters Patent 5,581,715 (the "715 patent"). The presiding administrative law judge (ALJ) held an evidentiary hearing from January 11, 1999, to January 28, 1999.

On May 10, 1999, the ALJ issued an initial determination ID (Order No. 15) granting respondent UMC's motion for a summary determination terminating UMC from the investigation on the basis of a license agreement. On May 12, 1999, the ALJ issued his final ID in which he found that there was no violation of section 337. Although the

ALJ found that there was a domestic industry with respect to the '715 patent, he found that there was no infringement of any claim at issue, and that the claims in issue of the '715 patent were invalid for on-sale bar under 35 U.S.C. § 102(b), anticipation under 35 U.S.C. § 102(a), obviousness under 35 U.S.C. § 103, indefiniteness under 35 U.S.C. § 112(1), (2), and (6), and derivation under 35 U.S.C. § 102(f).

Complainant Oak filed a petition for review of Order No. 15 and respondent UMC and the Commission investigative attorneys (IAs) filed responses to Oak's petition for review of Order No. 15. Oak, respondents UMC, MediaTek, Lite-On Technology, and AOpen, and the IAs filed petitions for review of the final ID, and all parties subsequently responded to each other's petitions for review of the final ID.

On June 28, 1999, the Commission determined not to review the ALJ's findings with respect to the preamble of claim 1 and its digital signal processor (DSP) element, and determined to review the remainder of the final ID and Order No. 15.

Having examined the record in this investigation, including the briefs and the responses thereto, the Commission determined that there is no violation of section 337. More specifically, the Commission affirmed the ALJ's finding that there is a domestic industry with respect to the '715 patent; affirmed the ALJ's finding of no literal infringement and no infringement under the doctrine of equivalents; reversed the ALJ's findings of invalidity based on an on-sale bar under 35 U.S.C. 102(b), anticipation under 35 U.S.C. 102(a), obviousness under 35 U.S.C. 103, indefiniteness and vagueness under 35 U.S.C. 112(1), (2), and (6), for derivation under 35 U.S.C. 102(f); and reversed the ALJ's finding of unenforceability due to inequitable conduct before the PTO.<sup>1</sup> The Commission determined to take no position with regard to Order No. 15 terminating respondent UMC from the investigation, and with regard to the issue of equitable estoppel.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and sections 210.45-210.51 of the Commission's Rules of Practice and Procedure, 19 CFR 210.45-210.51.

Copies of the public versions of the subject IDs, and all other nonconfidential documents filed in connection with this investigation, are or will be available for inspection

<sup>1</sup> Chairman Bragg and Commissioner Crawford take no position on the validity and enforceability of the claims at issue of the "715 patent.

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, DC 20436, telephone 202-205-2000.

Issued: September 27, 1999.

By order of the Commission.

**Donna R. Koehnke,***Secretary.*

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**INTERNATIONAL TRADE COMMISSION**

[Investigations Nos. 701-TA-314-317 (Review) and 731-TA-552-555 (Review)]

**Hot-Rolled Lead and Bismuth Carbon Steel Products From Brazil, France, Germany, and United Kingdom**

AGENCY: United States International Trade Commission.

**ACTION:** Institution of five-year reviews concerning the countervailing duty and antidumping duty orders on hot-rolled lead and bismuth carbon steel products from Brazil, France, Germany, and United Kingdom.

**SUMMARY:** The Commission hereby gives notice that it has instituted reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the countervailing duty and antidumping duty orders on hot-rolled lead and bismuth carbon steel products from Brazil, France, Germany, and United Kingdom would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission;<sup>1</sup> to be assured of consideration, the deadline for responses is November 22, 1999. Comments on the adequacy of responses may be filed with the Commission by December 10, 1999.

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through

<sup>1</sup> No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117-0016/USITC No. 99-5-036, expiration date July 31, 2002. Public reporting burden for the request is estimated to average 7 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436.