INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–703]


ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined that the June 22, 2010, initial determination on claim construction (“ID”) issued by the presiding administrative law judge (“ALJ”) is proper. The Commission has determined that the ALJ hearing initial determination (“ID”) did not appropriately handle claim construction in the case. The ID does not include claim construction in its analysis, which is an issue or element of the asserted patent claims. The parties filed four petitions for review on August 20, 2010. The parties responded thereto in a timely manner on September 1, 2010. The Commission will issue its determination on claim construction by October 20, 2010.

FOR FURTHER INFORMATION CONTACT: James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–3065. 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, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing the Commission’s electronic docket (EDIS) at http://edis.usitc.gov. The public record for this investigation may be viewed on the Commission’s Internet server (http://www.usitc.gov). Hearing-impaired persons are advised that information on this matter can be obtained through the Commission’s TDD terminal on (202) 205–1810.


On June 22, 2010, the ALJ issued the subject Markman hearing initial determination (“ID”), finding that a Markman ruling was appropriate in this case and that summary determination was an appropriate vehicle for that ruling. He then proceeded to construe certain terms of the asserted patent claims. ID 8–92.

On June 30, 2010, the parties filed four petitions and contingent petitions for review. On September 1, 2009, each of the parties filed responses thereto.

On July 22, 2010, the Commission issued notice of its determination to review the subject ID and requested briefing on the issues on review, including the following proposed analysis:

As used in rule 210.18(a), the term “issues to be determined in the investigation” can be viewed as limited to claims and affirmative defenses; a “part” of such an issue includes an element (or subpart thereof) of a claim or affirmative defense. Thus, the following could be a non-exhaustive list of examples of issues or parts thereof that are covered by rule 210.18(a): Violation, importation, infringement, domestic industry (technical or economic prong), invalidity on any basis (such as anticipation or obviousness), unenforceability. Claim construction may be a necessary underpinning to the resolution of certain issues or elements, and may be part of a summary determination that addresses an issue or element. On its own, however, claim construction might not be viewed as constituting such an issue or element.

75 FR 44282 (July 28, 2010).


Upon review of Commission rules 210.18 and 210.42, 19 CFR 210.18, 210.42, and the parties’ submissions, the Commission has determined that the June 22, 2010, initial determination on claim construction issued by the presiding administrative law judge is an order rather than an initial determination. Commission rule 210.42 does not include claim construction in the list of issues that must be decided in the form of an initial determination. Nor is claim construction properly the subject of a motion for summary determination under Commission rule 210.18 since claim construction, standing alone, is not an “issue” or “any part of an issue” within the meaning of that rule. While the Commission finds that the rules are unambiguous, to the extent interpretation is required, the Commission determines in its discretion and in the interest of the expeditious conclusion of section 337 investigations that a ruling on claim construction is properly issued in the form of an order.


By order of the Commission.

Issued: October 20, 2010.

Marilyn R. Abbott,
Secretary to the Commission.

[FR Doc. 2010–29976 Filed 10–25–10; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–709]

In the Matter of: Certain Integrated Circuits, Chipsets, and Products Containing Same Including Televisions, Media Players, and Cameras; Notice of Commission Determination Not To Review an Initial Determination Granting a Motion To Amend the Complaint and Notice of Investigation


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. 20) issued by the presiding administrative law judge (“ALJ”) granting a motion filed by complainant Freescale Semiconductor, Inc. (“Freescale”) for leave to amend its complaint and the notice of investigation.

FOR FURTHER INFORMATION CONTACT: Paul M. Bartkowski, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708–5432. 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, DC 20436, telephone (202) 205–2000. 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 through the Commission’s TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: This investigation was instituted on January 18, 2010, based upon a complaint filed on behalf of Apple, Inc., Research in Motion, Ltd., and Toshiba America Consumer Products, Inc. (collectively, “Complainants”) on February 2, 2010, and supplemented on February 10, 2010. 75 FR 8112. The complaint alleged violations of section 337 of the Tariff Act of 1930 (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 integrated circuits, chipsets, and products containing same, including televisions, media players, and cameras. The complaint named as respondents Freescale Semiconductor, Inc., of Austin, Texas; Taiwan Semiconductor Manufacturing Co., Ltd., of Taoyuan, Taiwan; and Samsung Electronics Co., Ltd., of Seoul, South Korea (collectively, “Respondents”).

On March 24, 2010, Freescale Semiconductor, Inc., filed a motion (Order No. 20) for leave to amend its complaint and the notice of investigation. The motion was granted on May 21, 2010, in part and denied in part (Order No. 20). Freescale Semiconductor, Inc., filed a notice of review on June 15, 2010.

On July 22, 2010, the ALJ issued the subject Markman hearing initial determination (“ID”), finding that a Markman ruling was appropriate in this case and that summary determination was an appropriate vehicle for that ruling. He then proceeded to construe certain terms of the asserted patent claims. ID 8–92.


Upon review of Commission rules 210.18 and 210.42, 19 CFR 210.18, 210.42, and the parties’ submissions, the Commission has determined that the June 22, 2010, initial determination on claim construction issued by the presiding administrative law judge is an order rather than an initial determination. Commission rule 210.42 does not include claim construction in the list of issues that must be decided in the form of an initial determination. Nor is claim construction properly the subject of a motion for summary determination under Commission rule 210.18 since claim construction, standing alone, is not an “issue” or “any part of an issue” within the meaning of that rule. While the Commission finds that the rules are unambiguous, to the extent interpretation is required, the Commission determines in its discretion and in the interest of the expeditious conclusion of section 337 investigations that a ruling on claim construction is properly issued in the form of an order.


By order of the Commission.

Issued: October 20, 2010.

Marilyn R. Abbott,
Secretary to the Commission.

[FR Doc. 2010–29976 Filed 10–25–10; 8:45 am]

BILLING CODE 7020–02–P
INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–698]

In the Matter of Certain DC–DC Controllers and Products Containing Same; Notice of Commission Decision Not To Review an Initial Determination Terminating the Investigation


ACTION: Corrected notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge’s initial determination (“ID”) (Order No. 56) granting a joint motion to terminate the investigation as to one respondent and terminating the investigation in its entirety.


The public record for this investigation is on the Commission’s electronic docket (EDIS) at http://edis.usitc.gov. The public record for this investigation is available to the public in the Commission’s Public Law Library located at 999 E Street, N.W., Room B–050, Washington, D.C. 20435. The public record may also be obtained by accessing its Internet server at http://edis.usitc.gov. Persons with hearing impairments can contact the Commission’s TDD terminal on (202) 482–4062.

The public record for this investigation is 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.


The presiding administrative law judge issued the subject ID on September 30, 2010, granting Freescale’s motion to amend the complaint and notice of investigation to (1) change the name of one respondent from BestBuy.com, Inc. to BestBuy.com, LLC; (2) correct the addresses of BestBuy.com, LLC and Best Buy Purchasing, LLC; and (3) terminate the investigation as to respondent Liberty Media Corp. No party filed a petition for review of the ID. 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.

Issued: October 21, 2010.

Marilyn R. Abbott,
Secretary to the Commission.

[FR Doc. 2010–27044 Filed 10–25–10; 8:45 am]