

**UNITED STATES INTERNATIONAL TRADE COMMISSION**

**Washington, D.C.**

**In the Matter of**

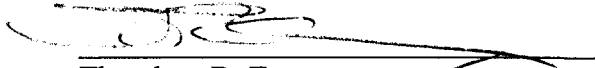
**CERTAIN COMPUTER PRODUCTS,  
COMPUTER COMPONENTS AND  
PRODUCTS CONTAINING SAME**

**Inv. No. 337-TA-628**

**NOTICE REGARDING INITIAL DETERMINATION ON VIOLATION OF SECTION  
337 AND RECOMMENDED DETERMINATION ON REMEDY AND BONDING**

(March 16, 2009)

On this date, the ALJ issued an initial determination on violation of section 337 and recommended determination on remedy and bond in the above-referenced investigation. Attached are the Introduction and Conclusions of Law from said filing, which are a matter of public record. A complete public version of the Initial Determination and Recommended Determination on Remedy and Bond will be issued when all the parties have submitted their redactions and the ALJ has had an opportunity to review the redactions.

  
Theodore R. Essex  
Administrative Law Judge

Pursuant to the Notice of Investigation, 73 Fed. Reg. 2275 (2008), this is the Initial Determination of the in the matter of *Certain Computer Products, Computer Components and Products Containing Same*, United States International Trade Commission Investigation No. 337-TA-628. See 19 C.F.R. § 210.42(a).

It is held that no violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, has occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain computer products, computer components or products containing same by reason of infringement of one or more of claims 1 and 2 of U.S. Patent 5,008,829; claim 1 of U.S. Patent No. 5,249,741; and claims 1,8,13,14,22, and 23 of U.S. Patent No. 5,371,852.

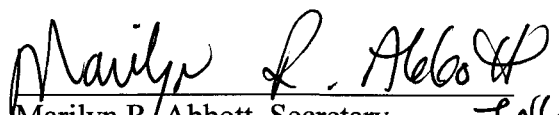
## CONCLUSIONS OF LAW

1. The Commission has personal jurisdiction over the parties, and subject-matter jurisdiction over the accused products.
2. The importation or sale requirement of section 337 is satisfied.
3. The accused products do not literally infringe the asserted claims of the '852 Patent.
4. The accused products do not literally infringe the asserted claims of the '829 Patent.
5. The accused products do not literally infringe the asserted claims of the '741 Patent.
6. The accused products do not infringe the asserted claims of the '852 Patent under the doctrine of equivalents.
7. The accused products do not infringe the asserted claims of the '829 Patent under the doctrine of equivalents.
8. The accused products do not infringe the asserted claims of the '741 Patent under the doctrine of equivalents.
9. ASUS does not induce infringement of the '852 Patent.
10. ASUS does not induce infringement of the '829 Patent.
11. ASUS does not induce infringement of the '741 Patent.
12. ASUS does not contribute to the infringement of the '829 Patent.
13. ASUS does not contribute to the infringement of the '741 Patent.
14. The asserted claims of the '852 Patent are not invalid under 35 U.S.C. § 102 for anticipation.
15. The asserted claims of the '829 Patent are not invalid under 35 U.S.C. § 102 for anticipation.

16. The asserted claims of the '741 Patent are not invalid under 35 U.S.C. § 102 for anticipation.
17. The asserted claims of the '829 Patent are not invalid under 35 U.S.C. § 103 for obviousness.
18. The asserted claims of the '741 Patent are not invalid under 35 U.S.C. § 103 for obviousness.
19. The asserted claims of the '741 Patent satisfy the written description requirement of 35 U.S.C. § 112 ¶ 1.
20. The asserted claims of the '741 Patent satisfy the enablement requirement of 35 U.S.C. § 112 ¶ 1.
21. The open source code in the Accused Routers are licensed to the '852 Patent under the GPL.
22. A domestic industry exists, as required by section 337 for the '852, the '829 and the '741 Patents.
23. It has not been established that a violation exists of section 337.

PUBLIC CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **NOTICE REGARDING INITIAL DETERMINATION ON VIOLATION OF SECTION 337 AND RECOMMENDED DETERMINATION ON REMEDY AND BONDING** has been served by hand upon the Commission Investigative Attorney, **Vu Q. Bui, Esq.**, and the following parties as indicated on March 16, 2009.

  
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