

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 PUBLIC VERSION OF INITIAL DETERMINATION

(April 2, 2009)

The ALJ received the private parties proposed redactions to the Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bonding in the above referenced case. Upon review of the proposed redactions, the ALJ notes that many of the proposed redactions are inappropriate.

Confidential business information is specifically defined in 19 C.F.R. § 201.6(a)(1) and Order No. 1 as

information which concerns or relates to the trade secrets, processes, operations, style of works, or apparatus, or to the production, sales, shipments, purchases, transfers, identification of customers, inventories, or amount or source of any income, profits losses, or expenditures of any person, firm, partnership, corporation, or other organization, or other information of commercial value, the disclosure of which is likely to have the effect of either impairing the Commission's ability to obtain such information as is necessary to perform its statutory functions, or causing substantial harm to the competitive position of the person, firm, partnership, corporation, or other organization from which the information was obtained, unless the Commission is required by law to disclose such information. The term "confidential business information" includes "proprietary information" within the meaning of section 777(b) of the Tariff Act of 1930 (19 U.S.C. 1677f(b)). Nonnumerical characterizations of numerical confidential business information (e.g., discussion of trends) will be treated as confidential business information only at the request of the submitter for good cause shown.

Types of information that clearly do not fit into the above category of CBI include, *inter alia*:

- 1) Legal arguments of the parties (For example, on page 23, IBM seeks to redact its proposed claim construction for the claim term, which, the ALJ notes is not redacted in IBM's public version of its initial post hearing brief); and
- 2) Any portion of the ALJ's ruling that does not directly disclose confidential business information as defined above (For example, on page 24, IBM seeks to redact the ALJ's claim construction, which does not disclose any confidential business information as set forth above).

The proposed redactions are inappropriate. Accordingly, in order to issue a public version of this initial determination, the parties shall resubmit their proposed redactions of the public version of the ID by the close of business on April 9, 2009. The parties seeking the redactions shall take into account the guidelines set forth herein, but should not limit the corrected redactions to only the exemplary redactions. Rather, the parties should thoroughly reevaluate their proposed redactions and ALL proposed redactions should be accompanied by a detailed explanation as to why the proposed redaction fits within the above definition of confidential business information defined in 19 C.F.R. § 201.6(a)(1) and Order No. 1. Any redactions that are not found to fit within the definition of CBI will be released as public.



Theodore R. Essex
Administrative Law Judge

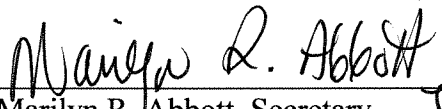
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PUBLIC CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **NOTICE** has been served by hand upon the Commission Investigative Attorney, **Vu Q. Bui, Esq.**, and the following parties as indicated on

April 2, **2009.**


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