

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN COLD CATHODE FLUORESCENT
LAMP ("CCFL") INVERTER CIRCUITS AND
PRODUCTS CONTAINING THE SAME**

Inv. No. 337-TA-666

**ORDER NO. 45: INITIAL DETERMINATION MODIFYING TARGET DATE
PURSUANT TO COMMISSION RULE 210.51(a); AND

ORDER CALLING FOR LIMITED ADDITIONAL BRIEFING.**

(January 15, 2010)

The Administrative Law Judge has determined that it is necessary for additional briefing by the parties with respect to the following issues.

Regarding construction of the claim language "when said first voltage signal exceeds a predetermined threshold for said predetermined duration" (claim 1, portion of element 'f', and claim 8, portion of element 'h') (collectively, the "timer circuit element") of the '382 patent, answer the following questions, giving your detailed and clearly explained reasons, including citations to the language of the patent claims themselves, the specification, the patent history, the testimony of the witnesses, and legal precedent:

1. Explain, in accordance with precepts of English grammar, the basis upon which you conclude, as a matter of claim construction, that the phrase "for said predetermined duration" refers to the verb "exceeds" rather than to the noun "threshold."
2. Explain, in accordance with precepts of English grammar, whether, according to your proposed claim construction, the phrase "for said predetermined duration" is or is not a misplaced modifier?

3. Is it your contention that it is improper, under precepts of English grammar, to construe the phrase “for said predetermined duration” as an adjectival modifier of the word “threshold,” which precedes it?
4. Is it your contention that the language “when said first voltage signal exceeds a predetermined threshold for said predetermined duration” is grammatically unambiguous and allows for but one interpretation?
5. What internal evidence pertaining to the ‘382 patent, besides the language of the timer-circuit element, supports an interpretation that the voltage signal must remain above a predetermined threshold either continuously or continually during the time-out sequence?
6. What internal evidence pertaining to the ‘382 patent defines or explains the term “voltage signal” as used in the timer-circuit element, as you interpret it?
7. What internal evidence pertaining to the ‘382 patent defines or explains the mechanism for threshold detection, as understood by a person of ordinary skill in the art when viewed in the context of the claims?

The parties should prepare a brief no greater than 25 pages on the above issues, due no later than January 27, 2009. Arguments straying from the above issues will be ignored. No reply briefing will be permitted.

Further, the Administrative Law Judge has determined that there is good cause to extend the target date in order to provide time for this limited additional briefing. Any possible prejudice caused by delay will be outweighed by the benefit of allowing the parties an opportunity to respond on these topics, not to mention the benefit of a well-considered final initial determination. The target date is currently set for June 21, 2010, with the final initial determination due February 19, 2010. (Order No. 42.) The Administrative Law Judge finds that an additional two-month extension would be appropriate, and that the target date should be extended to August 20, 2010, with the final initial determination due April 20, 2010.

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.

A handwritten signature in black ink, appearing to read "E. James Gildea", written over a horizontal line.

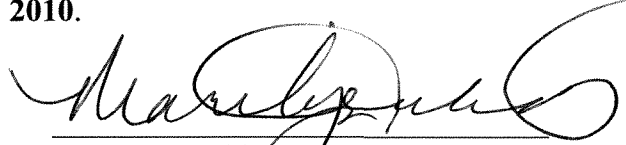
E. James Gildea
Administrative Law Judge

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PUBLIC CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached has been served by hand upon, the Commission Investigative Attorney, **David O. Lloyd, Esq.**, and the following parties as indicated on January 15, 2010.



Marilyn R. Abbott, Secretary
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CERTIFICATE OF SERVICE - PAGE 2

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