

PUBLIC VERSION

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN DYNAMIC RANDOM ACCESS
MEMORY AND NAND FLASH MEMORY
DEVICES AND PRODUCTS CONTAINING
SAME**

Inv. No. 337-TA-803

**ORDER NO. 8: SETTING HEARING ON THE PUBLIC INTEREST WITH
RESPECT TO MOTION DOCKET NO. 803-007**

(October 18, 2011)

On October 14, 2011, Complainants filed a motion to terminate two Respondents, Pantech Co., Ltd. and Pantech Wireless, Inc., from the Investigation on the basis of a settlement. (Motion Docket No. 803-007.) Responses to the motion, if any, have not yet been filed. As an initial matter, it is noted that Complainants have attached public versions of two of the three relevant agreements (Mot., Exs. D, E) that are so heavily redacted as to render the requirement that non-confidential versions be filed meaningless. *See* Commission Rule 210.21. Furthermore, Complainants have failed to provide a non-confidential version of Motion Exhibit C on the grounds that the existence of said agreement is confidential. Complainants are ordered to re-file revised public versions of Motion Exhibits A and B and file a non-confidential version of Exhibit C by no later than October 21, 2011. While Complainants may redact confidential business information, they may only redact the minimum required to protect confidential business information, even if that means only redacting single words or portions of a sentence.

Furthermore, the Administrative Law Judge has, in consideration of the Commission's determination that the Administrative Law Judge shall take evidence or other information and hear

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arguments from the parties and other interested persons with respect to the public interest in this Investigation (76 Fed. Reg. 55418) and having reviewed the relevant motion papers and supporting materials, decided that a more thorough evaluation of the effect of the proposed termination on the public interest is warranted. 19 C.F.R. § 210.50(b)(2). Therefore, the Administrative Law Judge is setting a hearing from 9 a.m-5 p.m. on November 15, 2011 at a location to be announced, with the expectation that the parties, and any interested non-parties, may provide argument and relevant evidence regarding the effect of the proposed settlement on the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers.

On or before November 9, 2011, the parties or interested non-parties may submit a pre-hearing brief of no more than 25 pages setting forth their positions on this matter. The procedures for this hearing on the public interest will be modeled after the procedures set forth in the Ground Rules for the evidentiary hearing. Nonparties who wish to participate in the hearing, and who have argument or evidence relevant to this specific settlement, should contact the Administrative Law Judge's assistant, Ms. Danielle Vu, no later than November 10, 2011. It is understood, however, that as many of the settlement terms are not public, any nonparty's input on the public interest will be limited.

The issues that the parties should plan to address at the public interest hearing include, but are not limited to, an evaluation of whether and to what extent each of the three agreements attached to the motion may be adverse to the public interest, including an evaluation of whether { } to any nonparty foreign entity would be adverse to the public interest.

Within seven days of the date of this document, each party shall submit to the Office of the

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Administrative Law Judges a statement as to whether or not it seeks to have any portion of this document deleted from the public version. The parties' submissions may be made by facsimile and/or hard copy by the aforementioned date.

Any party seeking to have any portion of this document deleted from the public version thereof must submit to this office a copy of this document with red brackets clearly indicating any portion asserted to contain confidential business information. The parties' submissions concerning the public version of this document need not be filed with the Commission Secretary.

SO ORDERED.



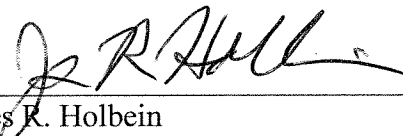
E. James Gildea
Administrative Law Judge

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PUBLIC CERTIFICATE OF SERVICE

I, James R. Holbein, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney, **Vu Bui, Esq.**, and the following parties as indicated on December 19, 2011.



James R. Holbein
Secretary to the Commission
U.S. International Trade Commission
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**ON BEHALF OF COMPLAINANTS INTELLECTUAL VENTURES MANAGEMENT,
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INC.; ACER INC.; ACER AMERICA CORP.; ADATA TECHNOLOGY CO., LTD.;
ADATA TECHNOLOGY (U.S.A.) CO., LTD.; ASUSTEK COMPUTER INC.; ASUS
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