



IP NEWSLETTER

19 Nov., 2008 Vol. 22 | NO.108

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• **337 Investigations in the U.S.**

· Recent Section 337 Complaints

On November 6, 2008 Rambus, Inc. filed a complaint with the U.S. International Trade Commission (ITC) requesting that the Commission conduct an investigation under Section 337 of the Tariff Act of 1930, as amended regarding Certain Semiconductor Chips Having Synchronous Dynamic Random Access Memory Controllers and Products Containing Same, Including Graphics Cards and Motherboards. The proposed respondents are: Nvidia Corporation, Santa Clara, CA; Asustek Computer Inc., Taiwan, ROC; Asus Computer International Inc., Fremont, CA; BFG Technologies, Inc, Lake Forest, IL; Biostar Microtech (USA) Corp., City of Industry, CA; Biostar Microtech International Corp., Taiwan, ROC; Diablotek Inc., Alhambra, CA; EVGA Corp., Brea, CA; G.B.T Inc., City of Industry, CA; Giga-Byte Technology Co., Ltd, Taiwan, ROC; Hewlett-Packard Co., Palo Alto, Ca; MSI Computer Corp., City of Industry, CA; Micro-Star International Co. Ltd., Taiwan, ROC; Palit Multimedia Inc., San Jose, CA; Palit Microsystems Ltd., Taiwan, ROC; Pine Technology Holdings, Ltd., Hong Kong; and Sparkle Computer Co., Ltd., Taiwan, ROC.

On November 7, 2008 JDS Uniphase Corporation filed a complaint with the U.S. International Trade Commission (ITC) requesting that the Commission conduct an investigation under Section 337 of the Tariff Act of 1930, as amended regarding Tunable Laser Chips, Assemblies, and Products Containing Same. The proposed respondents are: Bookham, Inc., San Jose, CA.; Syntune AB, Kista, Sweden; Cyoptics, Inc., Breinigsville, PA.; Tellabs, Inc.,

Naperville, IL.; Adva Optical Networking, Munich, Germany; Ciena Corp., Linthicum, MD and Nortel Networks Corp., Toronto, Ontario.

• **ITC INSTITUTES SECTION 337 INVESTIGATION ON CERTAIN PREPREGS, LAMINATES, AND FINISHED CIRCUIT BOARDS**

The U.S. International Trade Commission (ITC) will institute an investigation of certain prepregs, laminates, and finished circuit boards (Inv. No. 337-TA-659) based on a complaint filed by Isola USA Corporation of Chandler, AZ on October 6, 2008. The complaint alleges violations of Section 337 of the Tariff Act of 1930 during the importation into the United States and sale of certain prepregs, laminates, and finished circuit boards that infringe patents owned by Isola. The complainant requests that the ITC issue an exclusion order and a cease and desist order.

The ITC has identified the following as respondents in this investigation: VENTEC Electronics (Suzhou) Co., Ltd., of China; VENTEC Electronics (HK) Co., Ltd., of Hong Kong; VGL USA LLC of Fullerton, CA; Taiwan Union Technology Corp. of Taiwan; ITEQ Corporation of Taiwan; Guangdong Shengyi Sci. Tech Co., Ltd., of China; and Sanmina-SCI Corporation of San Jose, CA.

• **IP Strategy of Enterprises**

• **Zhejiang: Innovative Platform Helps Industry Update**

Since 2004, twenty-nine important science and technology platforms have been established in Zhejiang Province under the

government's initiative, including a provincial new drug manufacturing platform, provincial leather industry platform, and provincial marine technology innovative service platform. Each platform consists of enterprises, universities and research organizations.

These platforms help the involved enterprises manage some key technologies of independent intellectual property, and facilitate efficiency in related industries from Zhejiang province.

• **IP Cases**

• The Court of Appeal in UK Allowed a Software Patent

Recently in the UK, the Court of Appeal's decision on a software case indicated that the Intellectual Property Office (IPO)'s refusal of a patent application by Symbian was legally incorrect.

Background:

Symbian applied for a patent pertained to an operating system with an indexing system that performed library functions. The dispute regarded the patentability of a computer program which enabled computers to run faster. The IPO refused Symbian's application on the grounds that under British law, computer programs "as such" were excluded from patentability.

The Court of Appeal decided that the solution devised by Symbian did tackle a "technical problem in a computer", so it was patentable.

• **Trade News**

• The People's Supreme Court Make Typical IPR Cases Public

Recently, the People's Supreme Court made 100 typical cases of intellectual property rights (IPR) public, including FERRERO S.P.A (Italy) v. Zhangjiagang Montresor Foodstuff Co., Ltd; *Beijing Jiayu Oriental Co., Ltd. vs. COFCO, Nanchang Happy Sugar & Wine Co., Ltd* (trademark infringement case).

These cases influence the society's understanding of IPR laws and regulations, and also convey the People's Court's leadership on IPR protection.

• **IP Cooperation**

• China's Delegation Attended the General Meeting of Africa Intellectual Property Organization

Recently, a Chinese delegation led by Vice Commissioner of State Intellectual Property Office (SIPO) He Hua participated in the general meeting of African Intellectual Property Organization (AIPO).

During the meeting, He Hua and Director General of AIPO signed an IP cooperative agreement between SIPO and AIPO. He and AIPO Director General also reached a consensus on high-level mutual visits and personnel training.

This meeting aims to put forward the problems on African

economy development, and discuss how to make full use of IP system to promote local economy development.