

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN SEMICONDUCTOR CHIPS
WITH MINIMIZED CHIP PACKAGE
SIZE AND PRODUCTS CONTAINING
SAME (III)**

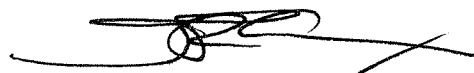
Inv. No. 337-TA-630

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

(August 28, 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. 2276 (2007), this is the Initial Determination of the investigation in the matter of *Certain Semiconductor Chips with Minimized Chip Package Size and Products Containing Same (III)*, United States International Trade Commission Investigation No. 337-TA-630. 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 semiconductor chips with minimized chip package size and products containing same by reason of infringement of one or more of claims 17 and 18 of United States Patent No. 5,679,977; claims 1-4, 9-12, and 15-16 of United States Patent No. 6,133,627; and claims 1-4, 9, 10 and 33-35 of United States Patent No. 5,663,106.

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 '106 Patent, the '977 Patent and the '627 Patent.
4. The accused products do not infringe the asserted claims of the '106 Patent under the doctrine of equivalents.
5. The asserted claims of the '106 Patent, the '977 Patent and the '627 Patent are not invalid under 35 U.S.C. § 102 for anticipation.
6. The asserted claims of the '106 Patent, the '977 Patent and the '627 Patent are not invalid under 35 U.S.C. § 103 for obviousness.
7. The asserted claims of the '106 Patent, the '977 Patent and the '627 Patent satisfy the definiteness requirement of 35 U.S.C. § 112 ¶ 2.
8. A domestic industry for all of the asserted patents exists, as required by section 337.
9. Respondents have failed to prove the affirmative defense of licensing.
10. Respondents, with the exception of Elpida, have failed to prove the affirmative defense of patent exhaustion for all of their accused products.
11. Respondent Elpida has proven that its accused products were purchased from Tessera licensed entities, are subject to patent exhaustion and do not infringe.
12. It has not been established that a violation of section 337 for the '977 Patent, the '627 Patent and the '106 Patent has occurred.

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337-TA-630

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, **Kecia J. Reynolds, Esq.**, and the following parties as indicated on August 31, 2009.


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CERTIFICATE OF SERVICE- PAGE 2

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CERTIFICATE OF SERVICE- PAGE 4

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