

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

2009 SEP 21 PM 4: 44

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U.S. INTERNATIONAL TRADE COMMISSION

In the Matter of

**CERTAIN SEMICONDUCTOR
INTEGRATED CIRCUITS USING
TUNGSTEN METALLIZATION AND
PRODUCTS CONTAINING SAME**

Inv. No. 337-TA-648

Notice

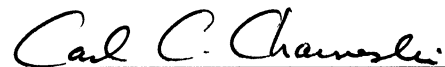
On this date, the Initial Determination on the question of violation of section 337 issued with the following conclusions of law:

1. The Commission has personal jurisdiction over the parties, and subject-matter jurisdiction over the investigation.
2. Except for respondent Spansion Inc., all respondents have sold for importation, imported and, or, sold after importation into the United States, products made according to accused processes.
3. It has not been established that respondent Spansion Inc. has imported or sold a product made according to an accused process. Consequently, it cannot be found that Spansion Inc. is in violation of section 337.
4. It otherwise has been established by at least a preponderance of the evidence that each accused process of each respondent practices each of the claims of the '335 patent asserted against it.
5. It has been established by clear and convincing evidence that claims 1, 3, and 4 of the

'335 are invalid due to anticipation in view of IBM Process A. No other ground for invalidity has been established.

6. The domestic industry requirement is satisfied with respect to the '335 patent.

7. No violation of section 337 has occurred with respect to claims 1, 3, or 4 of the '335 patent.



Carl C. Charneski
Administrative Law Judge

Issued: September 21, 2009

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PUBLIC CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **NOTICE** has been served upon the Commission Investigative Attorney, Ret Snotherly, Esq., and the following parties as indicated, on

SEP 22 2009



Marilyn R. Abbott, Secretary
U.S. International Trade Commission
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