

UNITED STATES INTERNATIONAL TRADE COMMISSION

In the Matter of

**CERTAIN DC-DC CONTROLLERS
AND PRODUCTS CONTAINING THE
SAME**

Investigation No. 337-TA-698

CONSENT ORDER

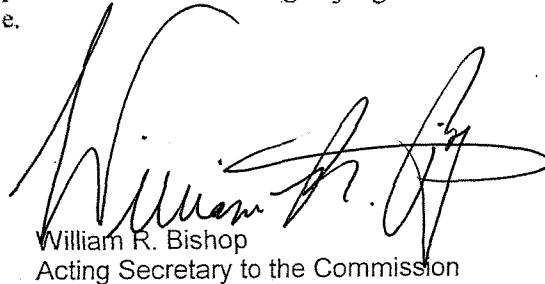
The United States International Trade Commission (hereinafter the "Commission") has instituted this investigation under Section 337 of the Tariff Act of 1930 as amended (19 U.S.C. § 1337), based upon the allegations contained in the Complaint filed by Richtek Technology Corp. and Richtek USA, Inc. (collectively "Richtek"), which alleges unfair acts in the importation into the United States, the sale for importation, and the sale within the United States after importation, of certain DC-DC controllers and products containing the same by Respondent uPI Semiconductor Corporation ("uPI") and VisionTek Products LLC ("VisionTek"), among others, which infringe certain claims of U.S. Patent No. 7,315,190 ("the '190 patent"), U.S. Patent No. 6,414,470 ("the '470 patent"), and U.S. Patent No. 7,132,717 ("the '717 patent") or which were produced using or contain Richtek's trade secrets.

VisionTek has executed a Consent Order Stipulation in which it agrees to the entry of this Consent Order and to all waivers and other provisions as required by the Commission's Rules of Practice and Procedure. Richtek has filed a Motion for Termination of this Investigation with respect to VisionTek based on the Consent Order Stipulation. Pursuant to 19 C.F.R. Sec. 210.21(c), the motion is hereby GRANTED and the following is so ORDERED:

- (1) Upon entry of this Consent Order, VisionTek, including its officers, directors, employees, agents, and any entity or individual acting on its behalf and with its authority, shall not import into the United States, sell for importation into the United States, or sell or offer for sale within the United States after importation, or knowingly aid, abet, encourage, participate in, or induce importation into the United States, the sale for importation into the United States, or the sale, offer for sale, or use in the United States after importation any DC-DC controllers or products containing same which infringe U.S. Patent No. 7,315,190 ("the '190 patent"), U.S. Patent No. 6,414,470 ("the '470 patent"), or U.S. Patent No. 7,132,717 ("the '717 patent") or which were made using or contain Richtek's trade secrets, without the consent or agreement of Richtek.
- (2) VisionTek shall be precluded from seeking judicial review or otherwise challenging or contesting the validity of this Consent Order.

- (3) VisionTek shall cooperate with and shall not seek to impede by litigation or other means the Commission's efforts to gather information under subpart I of the Commission's Rules of Practice and Procedure, 19 C.F.R. Part 210.
- (4) VisionTek shall not seek to challenge and is precluded from challenging the validity or enforceability of Richtek's intellectual property rights in any administrative or judicial proceeding to enforce this Consent Order, but may do so in any other proceeding.
- (5) Upon expiration of the terms of the '190, '470, or '717 patents, the requirements of Paragraph 1 of this Consent Order shall be of no further force and effect only as to each such expired patent.
- (6) The requirements of Paragraph 1 of this Consent Order shall be of no further force and effect with respect to the trade secrets at issue ten (10) years after issuance of this Order.
- (7) The entry of this Consent Order constitutes a determination of a violation of section 337 by VisionTek.
- (8) Enforcement, revocation or modification of this Consent Order shall be carried out pursuant to Subpart I of the Commission's Rules of Practice and Procedure, 19 C.F.R. Part 210. In determining whether VisionTek is in violation of this Consent Order, the Commission may infer facts adverse to VisionTek if VisionTek fails to provide adequate or timely information. The commission may impose upon any person who violates the Consent Order the penalties available in 19 U.S.C. Sec. 1337 (f)(2).
- (9) The Consent Order shall not apply with respect to any claim of any intellectual property right that has expired or been found or adjudicated invalid or unenforceable by the Commission or a court or agency of competent jurisdiction, provided that such finding or judgment has become final and nonreviewable.

By order of the Commission.



William R. Bishop
Acting Secretary to the Commission

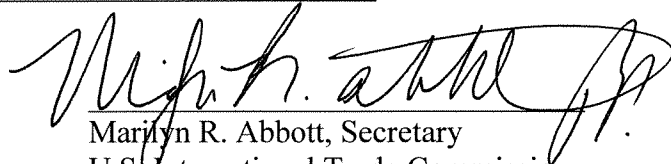
Issued: October 18, 2010
Nunc pro tunc September 9, 2010

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337-TA-698

CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **CONSENT ORDER** has been served by hand upon the Commission Investigative Attorney, Lisa A. Murray, Esq., and the following parties as indicated, on October 18, 2010.



Marilyn R. Abbott, Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

**On Behalf of Complainants Richtek Technology Corp.
and Richtek USA, Inc.:**

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- Via First Class Mail
- Other: _____

**On Behalf of Respondents uPI Semiconductor Corp. and
Sapphire Technology Limited:**

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**On Behalf of Respondents Micro-Star International Co.,
Ltd. and MSI Computer Corp.:**

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On Behalf of Respondent VisionTek Products LLC:

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