

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

**In the Matter of
CERTAIN SEMICONDUCTOR CHIPS WITH
DRAM CIRCUITRY, AND MODULES AND
PRODUCTS CONTAINING SAME**

Inv. No. 337-TA-819

**NOTICE REGARDING ISSUANCE OF FINAL INITIAL DETERMINATION AND
RECOMMENDED DETERMINATION ON REMEDY AND BOND**

(March 26, 2013)

On this date, the undersigned issued an Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond in the above-referenced Investigation. Attached are the opening pages from said filing, which are a matter of public record. A complete public version of the Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond will be issued when all the parties have submitted, and the undersigned has had an opportunity to review, the proposed redactions.

SO ORDERED.


E. James Gildea
Administrative Law Judge

Attachment A

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN SEMICONDUCTOR CHIPS WITH
DRAM CIRCUITRY, AND MODULES AND
PRODUCTS CONTAINING SAME

Inv. No. 337-TA-819

INITIAL DETERMINATION ON VIOLATION OF SECTION 337 AND
RECOMMENDED DETERMINATION ON REMEDY AND BOND

Administrative Law Judge E. James Gildea

(March 26, 2013)

Appearances:

For the Complainants Elpida Memory, Inc. and Elpida Memory (USA) Inc.:

Robert W. Busby, Jr., Esq.; David Morris, Esq.; Tom Kenworthy, Esq.; John D. Zele, Esq.;
Nathan W. McCutcheon, Esq.; and William P. Quinn, Jr., Esq. of Morgan, Lewis &
Bockius LLP of Washington, D.C.

For the Respondents Nanya Technology Corporation and Nanya Technology Corporation,
U.S.A.:

Robert E. Freitas, Esq.; and Kevin C. Jones, Esq. of Freitas, Tseng & Kaufman LLP of
Redwood Shores, CA.

Matthew H. Poppe, Esq.; Donald Daybell, Esq.; and Benjamin S. Lin, Esq. of Orrick,
Herrington & Sutcliffe LLP of Menlo Park, CA.

Pursuant to the Notice of Investigation, 76 Fed. Reg. 79215-16 (December 21, 2011), this is the Initial Determination of the Investigation in the Matter of Certain Semiconductor Chips with DRAM Circuitry, and Modules and Products Containing Same, United States International Trade Commission Investigation No. 337-TA-819. See 19 C.F.R. § 210.42(a).

With respect to Respondents Nanya Technology Corporation and Nanya Technology Corporation, U.S.A., it is held that a 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 DRAM circuitry and modules and products containing the same, by reason of infringement of one or more of claims 8-11 and 17-18 of United States Patent No. 6,150,689.

With respect to Respondents Nanya Technology Corporation and Nanya Technology Corporation, U.S.A., it is held that a 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 DRAM circuitry and modules and products containing the same, by reason of infringement of one or more of claims 4, 14, and 20 of United States Patent No. 6,635,918.

With respect to Respondents Nanya Technology Corporation and Nanya Technology Corporation, U.S.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 DRAM circuitry and modules and products containing the same, by reason of infringement of one or more of claims 1 and 3-4 of United States Patent No. 7,659,571.

With respect to Respondents Nanya Technology Corporation and Nanya Technology Corporation, U.S.A., it is held that a 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 DRAM circuitry and modules and products containing the same, by reason of infringement of one or more of claims 5-6 of United States Patent No. 7,713,828.

With respect to Respondents Nanya Technology Corporation and Nanya Technology Corporation, U.S.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 DRAM circuitry and modules and products containing the same, by reason of infringement of one or more of claims 17-18 of United States Patent No. 7,495,453.

With respect to Respondents Nanya Technology Corporation and Nanya Technology Corporation, U.S.A., it is held that a 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 DRAM circuitry and modules and products containing the same, by reason of infringement of claim 27 of United States Patent No. 7,495,453.

With respect to Respondents Nanya Technology Corporation and Nanya Technology Corporation, U.S.A., it is held that a 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 DRAM circuitry and modules and products containing the same, by reason of infringement of one or more of claims 1-2 of United States Patent No. 7,906,809.

It is further held that a domestic industry exists that practices U.S. Patent Nos. 6,150,689, 6,635,918, 7,713,828, 7,495,453 and 7,906,809, and that a domestic industry does not exist that practices U.S. Patent No. 7,659,571.