

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN LITHOGRAPHY MACHINES
AND SYSTEMS AND COMPONENTS
THEREOF (II)**

Investigation No. 337-TA-1129

**NOTICE OF COMMISSION DETERMINATION NOT TO
REVIEW AN INITIAL DETERMINATION TERMINATING CERTAIN CLAIMS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 12) issued by the presiding administrative law judge (“ALJ”), terminating the investigation with respect to twenty-five claims.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 708-5468. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 21, 2018, based on a complaint filed by Carl Zeiss SMT GmbH of Oberkochen, Germany (“Zeiss”). 83 FR 42316-17. The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain lithography machines and systems and components thereof that infringe certain claims of U.S. Patent Nos. 7,929,115 (“the ’115 patent”), 8,441,613 (“the ’613 patent”), and 9,052,609 (“the ’609 patent”). *Id.* The Commission’s notice of investigation named as respondents Nikon Corporation of

Tokyo, Japan; Nikon Research Corporation of America of Belmont, California; and Nikon Precision Inc. of Belmont, California. *Id.* at 42317. The Office of Unfair Import Investigations is not participating in this investigation. *Id.*


On November 20, 2018, Zeiss filed an unopposed motion to terminate the investigation in part based on its withdrawal of the complaint with respect to claims 15 and 25-30 of the '609 patent; claims 6, 9, 12, 13, 17, 18, 22, 25, and 26 of the '115 patent; and claims 6, 9, 12, 13, 17, 18, 22, 25, and 26 of the '613 patent. No party filed a response to the motion.

On December 6, 2018, the ALJ issued the subject ID, granting the motion and terminating the investigation with respect to claims 15 and 25-30 of the '609 patent; claims 6, 9, 12, 13, 17, 18, 22, 25, and 26 of the '115 patent; and claims 6, 9, 12, 13, 17, 18, 22, 25, and 26 of the '613 patent. No petitions for review of the ID were received.

The Commission has determined not to review the subject ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', enclosed within a large, loopy oval flourish.

Lisa R. Barton
Secretary to the Commission

Issued: December 20, 2018