

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN CHEMICAL MECHANICAL
PLANARIZATION SLURRIES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1204

**NOTICE OF COMMISSION DETERMINATION TO EXTEND THE TARGET
DATE FOR THE COMPLETION OF THIS INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the target date for completion of this investigation from December 9, 2021, to December 16, 2021.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, D.C. 20436, telephone (202) 205-3042. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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: On July 7, 2020, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on a complaint filed by Cabot Microelectronics Corporation ("CMC") of Aurora, Illinois. 85 FR 40685-86 (July 7, 2020). The complaint, as supplemented, alleged 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, or the sale within the United States after importation of certain chemical mechanical planarization ("CMP") slurries and components thereof by reason of infringement of one or more of claims 1, 3-6, 10, 11, 13, 14, 18-20, 24, 26-29, 31, 35-37, and 39- 44 of U.S. Patent No. 9,499,721 ("the '721 patent"). *Id.* at 40685. The Commission's notice of investigation named as respondents DuPont de Nemours, Inc. of Wilmington, Delaware; Rohm and Haas Electronic Materials CMP, LLC of Newark, Delaware; Rohm and Haas Electronic Materials CMP Asia Inc. (d/b/a Rohm and Haas Electronic Materials CMP Asia Inc., Taiwan Branch (U.S.A.)) of Taoyuan City, Taiwan; Rohm and Haas Electronic Materials Asia-Pacific Co., Ltd. of Miaoli, Taiwan; Rohm and Haas Electronic Materials K.K. of Tokyo, Japan; and

Rohm and Haas Electronic Materials LLC of Marlborough, Massachusetts (collectively, “Respondents” or “DuPont”). *Id.* at 40686. The Office of Unfair Import Investigations (“OUII”) is participating in this investigation. *Id.*

On October 1, 2020, the ALJ issued an initial determination granting CMC’s unopposed motion to amend the complaint and notice of investigation to assert infringement of claims 17 and 46 of the ’721 patent. Order No. 7 (Oct. 1, 2020), *unreviewed by* Notice (Oct. 16, 2020).

On November 10, 2020, the ALJ issued an initial determination granting CMC’s unopposed motion to amend the complaint and notice of investigation to change the name of Complainant from Cabot Microelectronics Corporation to CMC Materials, Inc (hereinafter “CMC”). Order No. 8 (Nov. 10, 2020), *unreviewed by* Notice (Nov. 24, 2020).

On January 26, 2021, the ALJ issued an initial determination granting CMC’s unopposed motion to amend the complaint and notice of investigation to reflect the conversion of Rohm and Haas Electronic Materials, Inc. to Rohm and Haas Electronic Materials CMP, LLC. Order No. 13 (Jan. 26, 2021), *unreviewed by* Notice (Feb. 11, 2021).

On January 26, 2021, the ALJ issued an initial determination granting CMC’s unopposed motion to terminate the investigation as to claim 5 of the ’721 patent. Order No. 12 (Jan. 26, 2021), *unreviewed by* Notice (Feb. 16, 2021).

On July 8, 2021, the ALJ issued the subject final ID finding a violation of section 337. On July 29, 2021, Respondents and OUII filed separate petitions for review of the ID. On August 12, 2021, CMC submitted responses to the petitions filed by DuPont and OUII, and OUII submitted a response to DuPont’s petition.

On September 22, 2021, the Commission determined to review the ID in part and requested briefing on remedy, the public interest, and bonding. 86 FR 53674-76 (Sept. 28, 2021). On October 6, 2021, the parties submitted their opening briefs. On October 13, 2021, the parties filed their reply briefs. On October 6, 2021, non-Party, Intel Corporation (“Intel”) filed a statement on the public interest in response to the Commission’s notice. On October 8, 2021, Intel notified the Commission of a document allegedly bearing on the public interest.

On November 2, 2021, the Commission issued a notice requesting additional public interest information from Intel and directing Intel to produce the document. On November 9, 2021, Intel submitted a response to the Commission notice. On November 15, 2021, the parties filed replies to Intel’s Submission.

The Commission has determined to extend the target for completion of the investigation from December 9, 2021, to December 16, 2021.

The Commission vote for this determination took place on December 9, 2021.

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', written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: December 9, 2021