

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of)	
)	
CERTAIN ENCAPSULATED)	Inv. No. 337-TA-501
INTEGRATED CIRCUIT DEVICES AND)	
PRODUCTS CONTAINING SAME)	
)	
)	

**NOTICE OF COMMISSION DETERMINATION TO REVERSE A SUPPLEMENTAL
INITIAL DETERMINATION AND REMAND INVESTIGATION TO THE
ADMINISTRATIVE LAW JUDGE; EXTENSION OF TARGET DATE FOR
COMPLETION OF THE INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to reverse and to remand the above-referenced investigation to the presiding administrative law judge (ALJ) to make findings on the issues of anticipation and obviousness in light of prior art determinations made by the Commission. The Commission also determined to extend the target date in this investigation to July 20, 2010.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3112. 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, S.W., 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 under section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337 ("section 337"), on December 19, 2003, based on a complaint filed by Amkor Technology, Inc. ("Amkor") alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain encapsulated integrated circuit devices and products containing same in connection with several claims of three U.S. patents owned by Amkor. The complainant named Carsem (M) Sdn Bhd; Carsem Semiconductor Sdn Bhd; and Carsem, Inc. (collectively, "Carsem") as respondents.

On November 9, 2005, the ALJ issued a remand initial determination (ID) and a recommended determination on remedy and bond. He found a violation of section 337 with regard to four claims of one asserted patent but found no violation in connection with the claims of the two other asserted patents. Completion of this investigation has been delayed because Carsem has had difficulty obtaining from third-party ASAT, Inc. (“ASAT”) certain documents that Carsem asserts are critical for certain affirmative defenses. The Commission’s efforts to enforce a February 11, 2004, subpoena *duces tecum* and *ad testificandum* directed to ASAT resulted in a July 1, 2008, order and opinion of the U.S. District Court for the District of Columbia granting the Commission’s second enforcement petition.

On July 1, 2009, the Commission issued a notice and order remanding this investigation to the ALJ. The target date for completion of this investigation was extended to February 2, 2010. On September 10-11, 2009, a hearing was held to address Carsem’s invalidity defenses for which the subpoena to ASAT was obtained. On October 30, 2009, the ALJ issued a supplemental ID reaffirming his finding of a violation of section 337.

On December 16, 2009, the Commission issued a notice of its decision to review the supplemental ID and set a schedule for filing written submissions. Subsequently, upon respondent’s request, the Chairman extended the deadline for filing the parties’ opening submissions by five (5) days from December 30, 2009, to January 4, 2010, and the deadline for filing the parties’ reply submissions by four (4) days from January 8, 2010, to January 12, 2010. The target date for completion of this investigation was also extended by seven (7) days from Tuesday, February 2, 2010, to Tuesday, February 9, 2010. All parties to this investigation filed timely written submissions, and timely reply submissions, regarding the issues under review.

Having reviewed the record in this investigation, including the supplemental ID and the written submissions of the parties, the Commission has determined to reverse the ALJ’s finding that ASAT’s invention is not prior art to Amkor’s asserted patents, and to remand the investigation to the ALJ for making necessary findings in light of the Commission’s determination to reverse the ALJ’s determination that the ASAT invention is not prior art. In order to allow sufficient time to complete the investigation, the Commission extended the target date for completion of the investigation to July 20, 2010, and directed the ALJ to issue his findings by March 22, 2010.

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 sections 210.41-.42, 210.50 of the Commission’s Rules of Practice and Procedure (19 CFR § 210.41-.42, 210.50).

By order of the Commission.

/s/

Marilyn R. Abbott
Secretary to the Commission

Issued: February 18, 2010