

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

**In the Matter of**

**CERTAIN SEMICONDUCTOR CHIPS WITH  
MINIMIZED CHIP PACKAGE SIZE AND  
PRODUCTS CONTAINING SAME**

**Inv. No. 337-TA-605**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION DENYING COMPLAINANT'S MOTION FOR FORFEITURE OF  
RESPONDENTS' BONDS, LIMITED DISCOVERY, AND EVIDENTIARY HEARING**

**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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 65), denying complainant's motion for forfeiture of respondents' bonds, limited discovery, and evidentiary hearing

**FOR FURTHER INFORMATION CONTACT:** Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. 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 at <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 May 21, 2007, based on a complaint filed by Tessera, Inc. of San Jose, California ("Tessera") against Spansion, Inc. and Spansion, LLC, both of Sunnyvale, California; QUALCOMM, Inc. of San Diego, California; AT1 Technologies of Thornhill, Ontario, Canada; Motorola, Inc. of Schaumburg, Illinois ("Motorola"); STMicroelectronics N.V. of Geneva, Switzerland; and Freescale Semiconductor, Inc. of Austin, Texas. 72 *Fed. Reg.* 28522 (May 21, 2007). The complaint alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain semiconductor chips

with minimized chip package size or products containing same by reason of infringement of one or more claims of U.S. Patent Nos. 5,852,326, and 6,433,419.

On May 20, 2009, the Commission issued its final disposition of the investigation, finding a violation of Section 337. *74 Fed. Reg.* 25579-81 (May 28, 2009). The Commission also issued a limited exclusion order against all respondents and cease and desist orders against several domestic respondents.

On October 16, 2009, Tessera filed a motion for forfeiture of Respondents bonds, limited discovery and evidentiary hearing pursuant to Commission Rule 210.50(d) (19 C.F.R. § 210.50(d)). On November 2, 2009, Respondents and the Commission investigative attorney filed responses opposing the motion.

On December 20, 2009, the ALJ issued the subject ID denying the motion as premature because an appeal of the Commission's final determination is currently pending before the U.S. Court of Appeals for the Federal Circuit. No petitions for review were filed.

The Commission has determined not to review the subject ID. The Commission further determines that Tessera may re-file its motion for forfeiture of bonds, if appropriate, after the conclusion of the pending appeal.

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 section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

/s/  
Marilyn R. Abbott  
Secretary to the Commission

Issued: January 22, 2009