

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN INTEGRATED CIRCUIT
CHIPS AND PRODUCTS CONTAINING
THE SAME**

Investigation No. 337-TA-859

**NOTICE OF COMMISSION DETERMINATION TO REVIEW AND REVERSE AN
INITIAL DETERMINATION GRANTING REALTEK SEMICONDUCTOR
CORPORATION'S MOTION FOR TERMINATION OF THE ALLEGATIONS
RELATING TO U.S. PATENT NO. 6,963,226**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review and reverse the administrative law judge's ("ALJ") (Judge Rodgers) initial determination ("ID") (Order No. 12) granting a motion to terminate the investigation as to U.S. Patent No. 6,963,226.

FOR FURTHER INFORMATION CONTACT: Amanda S. Pitcher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2737. 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 October 23, 2012, based on a complaint filed by Realtek Semiconductor Corporation ("Realtek") of Hsinchu, Taiwan alleging violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337), as amended, by reason of infringement of certain claims of U.S. Patent Nos. 6,787,928 and 6,963,226 ("the '226 patent"). 77 *Fed. Reg.* 64826. The notice of investigation named as respondents LSI Corporation of Milpitas, California; and Seagate Technology of Cupertino, California.

On January 30, 2013, the ALJ issued an ID (Order No. 12) granting Realtek's motion to terminate the investigation as to the asserted claims of the '226 patent. The ALJ determined that there were no extraordinary circumstances that would prevent the termination requested by

Realtek and that public policy supports termination. However, the Commission finds that Realtek did not include in its motion “a statement that there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation, or if there are any agreements concerning the subject matter of the investigation,” as required by Commission Rule §210.21(a). 19 C.F.R. §§ 210.21, 210.42, 210.44, 210.45. Accordingly, the Commission has determined to review and reverse the 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 sections 210.42, 210.44, 210.45 of the Commission’s Rules of Practice and Procedure (19 C.F.R. §§ 210.42, 210.44, 210.45).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Acting Secretary to the Commission

Issued: February 25, 2013