

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SILICON-ON-INSULATOR
WAFERS**

Investigation No. 337-TA-1025

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION FINDING THAT COMPLAINANT HAS SATISFIED
CONTINGENTLY THE ECONOMIC PRONG OF THE DOMESTIC INDUSTRY
REQUIREMENT**

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 initial determination (“ID”) issued by the presiding administrative law judge (“ALJ”) on February 8, 2017, finding that the complainant has satisfied contingently the economic prong of the domestic industry requirement through the domestic activities and investments of its licensee.

FOR FURTHER INFORMATION: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3042. 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 (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://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 Inv. No. 337-TA-1025 on October 25, 2016, based on a complaint filed by Silicon Genesis Corporation of Santa Clara, California (“SiGen”). 81 *Fed. Reg.* 73419-20 (Oct. 25, 2016). The complaint 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 silicon-on-insulator wafers by reason of infringement of certain claims of U.S. Patent No. 6,458,672 and U.S. Patent No. 6,171,965. The notice of investigation named as respondent Soitec S.A. of Bernin, France (“Soitec”). The Office of Unfair Import Investigations is a party to the investigation.

The notice of investigation directed the ALJ to issue an early decision within one-hundred days of institution as to whether SiGen has satisfied the economic prong of the domestic industry requirement. 81 *Fed. Reg.* at 73419.

The ALJ held an evidentiary hearing on the economic prong of the domestic industry requirement on December 6 and 7, 2016, and thereafter received post-hearing briefing from the parties. On February 8, 2017, the ALJ issued the subject ID (Order No. 13) finding that SiGen has satisfied contingently the economic prong of the domestic industry requirement based upon the domestic activities and investments of its licensee, SunEdison Semiconductor Limited. The ALJ made the finding contingent on SiGen establishing the technical prong of the domestic industry requirement. *See* ID at 59. On February 14, 2017, Soitec petitioned for review of the ID. SiGen and the Commission investigative attorney filed oppositions to Soitec's petition.

Having examined the record of this investigation, including the subject ID, the petition for review, and the responses thereto, 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 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: March 10, 2017