

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN DYNAMIC RANDOM ACCESS
MEMORY (DRAM) DEVICES,
PRODUCTS CONTAINING THE SAME,
AND COMPONENTS THEREOF**

Investigation No. 337-TA-1472

**NOTICE OF COMMISSION DETERMINATION TO
AUTHORIZE JUDICIAL ENFORCEMENT OF SUBPOENAS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to authorize judicial enforcement of subpoenas *duces tecum* and *ad testificandum* issued by the presiding administrative law judge (“ALJ”) to non-party SK hynix America Inc. (“SKHYA”). Accordingly, the Commission has authorized its Office of the General Counsel to seek such enforcement.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 708-4716. 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: The Commission instituted this investigation on January 2, 2026, based on a complaint filed by Netlist, Inc. (“Netlist” or “Complainant”) of Irvine, California. 91 FR 155-56 (Jan. 2, 2026). The complaint, as supplemented, 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, or the sale within the United States after importation of certain dynamic random access memory (DRAM) devices, products containing the same, and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 12,373,366; 10,025,731; 10,268,608; 10,217,523; 9,824,035; and 12,308,087 (“the ’087 patent”). *Id.* The complaint further alleges that a domestic industry exists or is in the process of being established. *Id.* The Commission’s notice of investigation named as respondents: Samsung Electronics Co., Ltd. of Suwon, Republic of Korea; Samsung Electronics America, Inc. of Plano, Texas; Samsung Semiconductor, Inc. of Plano, Texas; Google LLC of

Mountain View, California; and Super Micro Computer, Inc. of San Jose, California (collectively, “Respondents”). *Id.* The Office of Unfair Import Investigations (“OUII”) is also participating in the investigation. *Id.*

On June 24, 2026, Netlist filed a motion for judicial enforcement of subpoenas *duces tecum* and *ad testificandum* directed to SKHYA who is a Netlist licensee. In particular, Netlist asserts that a domestic industry exists based in part on Netlist’s and SKHYA’s investments in certain high bandwidth memory products that practice the ’087 patent. *See* Order No. 23 at 1. On June 29, 2026, SKHYA and Respondents filed responses in opposition to Netlist’s motion. *Id.* at 6-8. On June 30, 2026, OUII filed a response in support of the motion. *Id.* at 8-9.

On July 13, 2026, the ALJ issued Order No. 23 granting in part Netlist’s motion. The ALJ certified the request to the Commission on July 22, 2026. More specifically, the ALJ granted Netlist’s request for judicial enforcement of the subpoenas with respect to certain categories of documents and certain testimony that are relevant to Netlist’s domestic industry, to the extent such information is within SKHYA’s possession, custody, or control. *Id.* at 11-12. The ALJ denied as moot Netlist’s request as to other categories of documents and limited the scope of the information sought by Netlist to certain components that are part of Netlist’s domestic industry. *Id.* at 12-13.

The Commission has determined to authorize judicial enforcement of the subpoenas to SKHYA and has authorized its Office of the General Counsel to seek such enforcement.

The Commission’s vote for this determination took place on July 28, 2026.

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 over a horizontal line.

Lisa R. Barton
Secretary to the Commission

Issued: July 28, 2026