

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN POLYIMIDE FILMS,
PRODUCTS CONTAINING SAME,
AND RELATED METHODS

Investigation No. 337-TA-772

NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION IN PART WITH
RESPECT TO CLAIMS 4-5 OF U.S. PATENT NO. 7,018,704
AND CLAIMS 4, 11, 16, 17, AND 20 OF U.S. PATENT NO. 7,691,961

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 an initial determination (“ID”) (Order No. 25) terminating the investigation in part with respect to claims 4-5 of U.S. Patent No. 7,018,704 (“the ‘704 patent”) and claims 4, 11, 16, 17 and 20 of U.S. Patent No. 7,691,961 (“the ‘961 patent”).

FOR FURTHER INFORMATION CONTACT: James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3065. 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 on May 4, 2011, based on a complaint filed on behalf of Kaneka Corporation of Osaka, Japan (“Kaneka”). 76 *Fed. Reg.* 25373 (May 4, 2011). The complaint alleges violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the sale for importation, importation, or sale after importation of certain polyimide films, products containing same, and related methods by reason of infringement of one or more of claims 1-3 and 9-10 of U.S. Patent No. 6,264,866 (“the ‘866 patent”); claims 1-6 of the U.S. Patent No. 6,746,639 (“the ‘639 patent”); claims 1-5 of the ‘704 patent; and claims 1-20 of the ‘961 patent. The Commission’s

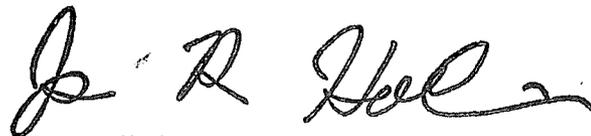
notice of investigation named as respondents SKC Kolon PI, Inc. of Gyeonggi-do, South Korea and SKC Corporation of Covington, Georgia (“collectively, “SKC”).

On January 12, 2012, SKC filed a motion to exclude from the investigation claims 4-7 and 11-14 of the ‘866 patent; claims 2-6 of the ‘639 patent; claims 4-5 of the ‘704 patent; and claims 4, 11, 16, 17 and 20 of the ‘961 patent. In its motion, SKC requested, in the alternative, summary determination of non-infringement with respect to the same claims. SKC argued that Kaneka’s pleadings, discovery responses, and expert reports failed to include specific assertions of infringement with respect to these claims. On January 23, 2012, Kaneka filed a response opposing SKC’s motion with respect to the claims of the ‘866 patent and ‘639 patent but did not oppose the motion with respect to the claims of the ‘704 and ‘961 patents. On January 26, 2012, the administrative law judge issued Order No. 25, granting the motion in part with respect to claims 4-5 of the ‘704 patent and claims 4, 11, 16, 17 and 20 of the ‘961 patent. Only this part of the Order No. 25 constitutes an ID. No petitions for review were filed. The administrative law judge denied the motion with respect claims 4-7 and 11-14 of the ‘866 patent and claims 2-6 of the ‘639 patent, noting the limitations on any evidence Kaneka may offer with respect to those claims.

After considering the ID and the relevant portions of the record, the Commission has determined not to review the subject ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and Part 210 of the Commission’s Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.



James R. Holbein
Secretary to the Commission

Issued: February 27, 2012