

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

**In the Matter of**

**CERTAIN SILICON MICROPHONE  
PACKAGES AND PRODUCTS  
CONTAINING THE SAME**

**Investigation No. 337-TA-629**

**NOTICE OF DECISION NOT TO REVIEW AN INITIAL DETERMINATION  
GRANTING COMPLAINANT'S UNOPPOSED MOTION FOR SUMMARY  
DETERMINATION ON RESPONDENT'S PATENT MISUSE DEFENSE**

**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. 25) granting complainant's unopposed motion for summary determination on respondent's patent misuse defense.

**FOR FURTHER INFORMATION CONTACT:** Daniel E. Valencia, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-1999. 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 January 14, 2008, based on a complaint filed by Knowles Electronics, LLC ("Knowles") of Itasca, Illinois. 73 *Fed. Reg.* 2277 (January 14, 2008). The complaint alleges violations of section 337 of the Tariff Act of 1930 (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 microphone packages and products containing the same by reason of infringement of various claims of United States Patent Nos. 6,781,231 and 7,242,089. The complaint named MEMS Technology Berhad ("MEMSTech") of Malaysia as the respondent.

On August 20, 2008, Knowles filed a motion for summary determination on MEMSTech's affirmative defense of patent misuse. On September 2, 2008, MEMSTech filed a response indicating that it does not oppose Knowles' motion.

On September 8, 2008, the ALJ issued the above-referenced ID granting Knowles' motion for summary determination. No petitions for review were filed.

The Commission has determined not to review 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 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: September 26, 2008