

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

**In the Matter of**

**CERTAIN SEMICONDUCTOR  
INTEGRATION CIRCUITS USING  
TUNGSTEN METALLIZATION AND  
PRODUCTS CONTAINING SAME**

**Investigation No. 337-TA-648**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING A MOTION TO AMEND THE COMPLAINT AND  
NOTICE OF INVESTIGATION**

**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. 15) of the presiding administrative law judge (“ALJ”) granting a motion to amend the complaint and the notice of investigation in the above-captioned investigation to add five respondents.

**FOR FURTHER INFORMATION CONTACT:** Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. 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 May 21, 2008 based on a complaint filed on April 18, 2008 by LSI Corporation of Milpitas, California and Agere Systems Inc. of Allentown, Pennsylvania (collectively “complainants”). *73 Fed. Reg.* 29534-35 (May 21, 2008). 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 semiconductor integrated circuits using tungsten metallization and products containing same by reason of infringement of claim 1 of U.S. Patent No. 5,227,335. The complaint named numerous

respondents including NXP B.V. of the Netherlands and Micronas Semiconductor Holding AG (“Micronas AG”) of Switzerland. The complaint further alleged that an industry in the United States exists as required by subsection (a)(2) of section 337.

On September 2, 2008, the Commission issued notice of its determination not to review an ID granting the motion of complainants, NXP B.V., and proposed respondent NXP Semiconductors USA, Inc. (“NXP Semiconductors”) of San Jose, California to amend the complaint and notice of investigation to substitute NXP Semiconductors for NXP B.V. *73 Fed. Reg.* 52064-65 (Sept. 9, 2008). On October 8, 2008, the Commission issued notice of its determination not to review an ID granting motion of complainants, Micronas AG, and proposed respondent Micronas GmbH of Germany to amend the complaint and notice of investigation to substitute Micronas GmbH for Micronas AG. *73 Fed. Reg.* 61168-69 (Oct. 15, 2008).

On May 30, 2008, complainants moved to amend the complaint to add five additional respondents: (1) Dongbu HiTek Semiconductor Business (“Dongbu”) of Korea; (2) Jazz Semiconductor (“Jazz”) of Newport Beach, California; (3) Magnachip Semiconductor of Korea; (4) Qimonda AG (“Qimonda”) of Germany; and (5) Tower Semiconductor, Ltd. (“Tower”) of Israel.

On September 18, 2008, the ALJ issued the subject ID (Order No. 15) granting the motion to amend to add the additional respondents. On September 26, 2008, Jazz petitioned for review of the ID. On September 29, 2008, Dongbu, Qimonda and Tower petitioned for review of the ID. On October 3 and 6, 2008, the Commission investigative attorney and complainants filed briefs in opposition to respondents’ petitions.

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 sections 210.14 and 210.42(c) of the Commission’s Rules of Practice and Procedure, 19 C.F.R. §§ 210.14, 210.42(c).

By order of the Commission.

/s/

Marilyn R. Abbott  
Secretary to the Commission

Issued: October 17, 2008