

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

In the Matter of

**CERTAIN DC-DC CONTROLLERS AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-698

NOTICE OF COMMISSION DECISION
(1) NOT TO REVIEW AN INITIAL DETERMINATION
TERMINATING THE INVESTIGATION AS TO TWO RESPONDENTS
ON THE BASIS OF CONSENT ORDERS; ISSUANCE OF CONSENT ORDERS; AND
(2) DETERMINING NOT TO REVIEW AN INITIAL DETERMINATION
GRANTING SUMMARY DETERMINATION THAT COMPLAINANTS
SATISFY THE ECONOMIC PRONG OF THE
DOMESTIC INDUSTRY REQUIREMENT
AS TO THEIR PATENT ALLEGATIONS

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 initial determination (Order No. 47) granting a joint motion to terminate the investigation as to two respondents on the basis of consent orders. The Commission has issued the subject consent orders. The Commission has also determined not to review Order No. 38, an ID granting summary determination that the complainants satisfy the economic prong of the domestic industry requirement, 19 U.S.C. §1337(a)(3), as to their patent allegations.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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 December 29, 2009, based on a complaint filed by Richtek Technology Corp. (Taiwan) and

Richtek USA, Inc. (San Jose, California) (collectively “Richtek”), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain DC-DC controllers and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 7,315,190; 6,414,470; and 7,132,717; and by reason of trade secret misappropriation. *75 Fed. Reg.* 446 (Jan. 5, 2010). The complaint, as amended, named eight respondents: uPI Semiconductor Corp. (Taiwan) (“uPI”); Advanced Micro Devices, Inc. (Sunnyvale, California) (“AMD”); Sapphire Technology Ltd. (Hong Kong) (“Sapphire”); Best Data Products d/b/a Diamond Multimedia (Chatsworth, California) (“Diamond”); Eastcom, Inc. d/b/a XFX Technology USA (Rowland Heights, California) (“XFX”); Micro-Star International Co., Ltd. (Taiwan) and MSI Computer Corp. (City of Industry, California) (collectively “MSI”); and VisionTek Products LLC (Inverness, Illinois). *See* Second Am. Compl. ¶¶ 12-34 (May 20, 2010).

On July 12, 2010, the Commission determined not to review the ALJ’s termination of the investigation as against AMD, Diamond, and XFX on the basis of settlement. On July 20, 2010, uPI and Sapphire moved the ALJ to terminate the investigation against them on the basis of stipulated consent orders. On July 21, 2010, Richtek opposed the uPI/Sapphire motion. The Commission investigative attorney supported the motion. On July 21, 2010, the ALJ issued an ID (Order No. 47) granting the uPI/Sapphire motion.

No petitions for review of Order No. 47 were filed. The Commission has determined not to review that ID and has issued the subject consent orders.

On July 2, 2010, the ALJ issued an ID (Order No. 38) granting Richtek’s motion that it satisfied the economic prong of the domestic industry requirement of 19 U.S.C. § 1337(a)(3) as to Richtek’s patent allegations. MSI petitioned for review of that ID on July 13, 2010. On July 14, 2010, uPI and Sapphire lodged a submission with the Commission that purported to join the MSI petition and which incorporated by reference MSI’s petition. On July 15, 2010, MSI withdrew its petition. On July 20, 2010, Richtek opposed the uPI/Sapphire joinder submission procedurally and on the merits. On July 30, 2010, the Commission extended its deadline for determining whether to review Order No. 38 until August 20, 2010.

In light of the termination of the investigation against uPI and Sapphire, the Commission finds that uPI and Sapphire’s July 14, 2010 challenge to Order No. 38 is moot. Accordingly, there are no pending petitions for review of that ID. The Commission has determined not to review Order No. 38.

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.

/s/

Marilyn R. Abbott
Secretary to the Commission

Issued: August 13, 2010