

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

In the Matter of

**CERTAIN AUDIO PROCESSING  
INTEGRATED CIRCUITS AND  
PRODUCTS CONTAINING SAME**

**Inv. No. 337-TA-538**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING COMPLAINANT'S MOTION FOR SUMMARY  
DETERMINATION THAT IT SATISFIES THE ECONOMIC PRONG OF THE  
DOMESTIC INDUSTRY REQUIREMENT**

**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's") initial determination ("ID") granting complainant's motion for summary determination that it satisfies the economic prong of the domestic industry requirement of 19 U.S.C. § 1337(a)(3).

**FOR FURTHER INFORMATION:** Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3152. Copies of the public version of the ID and all nonconfidential 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. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. 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>.

**SUPPLEMENTARY INFORMATION:** On April 18, 2005, the Commission instituted an

investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. §1337, based on a complaint filed by SigmaTel, Inc. of Austin, Texas (“SigmaTel”), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain audio processing integrated circuits and products containing same by reason of infringement of claim 10 of U.S. Patent No. 6,137,279 (“the ‘279 patent”) and claim 13 of U.S. Patent No. 6,633,187. 70 *Fed. Reg.* 20172 (April 18, 2005). The complainant named Actions Semiconductor Co. of Guangdong, China (“Actions”) as respondent. Subsequently, the complaint and notice of investigation were amended to add allegations of infringement of the asserted patents, and to additionally allege a violation of section 337 by reason of infringement of claims 1, 6, 9, and 13 of U.S. Patent No. 6,366,522.

On October 13, 2005, complainant SigmaTel moved to terminate the investigation as to the ‘279 patent. On the same day, the ALJ issued an ID (Order No. 9) granting complainant’s motion. No party petitioned for review of the ALJ’s ID. On November 1, 2005, the Commission determined not to review Order No. 9.

On October 7, 2005, complainant SigmaTel moved for summary determination that it satisfies the economic prong of the domestic industry requirement of section 337 (19 U.S.C. § 1337(a)(3)) for the patents in issue in the investigation. The Commission investigative attorney supported the motion. Actions opposed the motion.

On November 1, 2005, the ALJ issued an ID (Order No. 15) granting the motion for summary determination that complainant SigmaTel satisfies the economic prong of the domestic industry requirement of section 337 for the patents in issue in the investigation. On November 23, 2005, the ALJ issued a correction to the ID. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID (Order No. 15).

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.

Marilyn R. Abbott  
Secretary to the Commission

Issued: November 30, 2005