

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20346

In the Matter of

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

Investigation No. 337-TA-648

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW INITIAL
DETERMINATIONS TERMINATING THE INVESTIGATION AS TO NATIONAL
SEMICONDUCTOR CORPORATION AND MICRONAS GMBH**

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 initial determinations (“IDs”) (Order Nos. 116, 117) of the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) as to National Semiconductor Corporation (“NSC”) and Micronas GmbH (“Micronas”) based on settlement agreements.

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 NSC of Santa Clara, California. Micronas of Germany was later named as a respondent by amendment to the complaint. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

On July 8, 2009, complainants and NSC moved to terminate the investigation as to NSC based on a settlement agreement. On July 10, 2009, complainants and Micronas moved to terminate the investigation as to Micronas based on a settlement agreement. No party opposed the motions.

The ALJ issued the subject IDs on July 16, 2009, granting the motions for termination. No party petitioned for review of the IDs pursuant to 19 C.F.R. § 210.43(a), and the Commission found no basis for ordering reviews on its own initiative pursuant to 19 C.F.R. § 210.44. The Commission has determined not to review the IDs.

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 210.21 and 210.42(h) of the Commission's Rules of Practice and Procedure, 19 C.F.R. §§ 210.21, 210.42(h).

By order of the Commission.

/s/

Marilyn R. Abbott
Secretary to the Commission

Issued: August 5, 2009