

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20748

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 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. 12) of the presiding administrative law judge (“ALJ”) granting a joint motion to amend the complaint and the notice of investigation in the above-captioned investigation.

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) 708-5468. 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. *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. The complaint further alleged that an industry in the United States exists as required by subsection (a)(2) of section 337.

On June 30, 2008, complainants, NXP B.V. and proposed respondent NXP Semiconductors USA, Inc. (“NXP Semiconductors”) of San Jose, California moved to amend the complaint and notice of investigation to substitute NXP Semiconductors for NXP B.V. No party opposed the motion.

On August 8, 2008, the ALJ issued the subject ID granting the joint motion to amend. No party petitioned for review of the ID. The Commission has determined not to review this 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: September 2, 2008