

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

In the Matter of

**CERTAIN SEMICONDUCTOR CHIPS WITH
MINIMIZED CHIP PACKAGE SIZE AND
PRODUCTS CONTAINING SAME**

Inv. No. 337-TA-605

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING RESPONDENT'S MOTION FOR RETURN OF
POSTED BONDS**

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") initial determination ("ID") (Order No. 64), granting Motorola, Inc.'s motion for return of posted bonds.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. 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, 2007, based on a complaint filed by Tessera, Inc. of San Jose, California ("Tessera") against Spansion, Inc. and Spansion, LLC, both of Sunnyvale, California; QUALCOMM, Inc. of San Diego, California; AT1 Technologies of Thornhill, Ontario, Canada; Motorola, Inc. of Schaumburg, Illinois ("Motorola"); STMicroelectronics N.V. of Geneva, Switzerland; and Freescale Semiconductor, Inc. of Austin, Texas. *72 Fed. Reg.* 28522 (May 21, 2007). The complaint alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain semiconductor chips with minimized chip package size or products containing same by reason of infringement of one or more claims of U.S. Patent Nos. 5,852,326, and 6,433,419.

On December 1, 2008, the presiding Administrative Law Judge (“ALJ”) issued his final ID finding no violation of section 337 by Respondents. On January 30, 2009, the Commission determined to review the final ID in part, specifically regarding the ALJ’s findings concerning non-infringement and certain aspects of the ALJ’s findings concerning validity, and requested briefing on the issues it determined to review, remedy, the public interest, and bonding. *74 Fed. Reg.* 6175-6 (Feb. 5, 2009).

On May 20, 2009, the Commission issued its final disposition of the investigation, finding a violation of Section 337. *74 Fed. Reg.* 25579-81 (May 28, 2009). The Commission also issued a limited exclusion order against all respondents and cease and desist orders against several respondents, including Motorola. On August 18, 2009, the Commission granted a joint petition by Tessera and Motorola to rescind in whole the cease and desist order directed to Motorola based upon a license agreement entered into between the two parties. Meanwhile, Motorola posted significant entry bonds with U.S. Customs and Border Protection (“CBP”).

On August 24, 2009, Motorola filed a motion for return of the bonds it had posted with CBP. On October 28, 2009, the ALJ issued the subject ID, granting Motorola’s motion pursuant to Commission Rule 210.50(d)(3). No petitions for review were filed.

The Commission has determined to 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 section 210.42 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

/s/
William R. Bishop
Acting Secretary to the Commission

Issued: November 25, 2009