

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

_____)
In the Matter of)

_____)
CERTAIN DC-DC CONTROLLERS AND)
AND PRODUCTS CONTAINING SAME)

Inv. No. 337-TA-698
(Enforcement Proceeding)

**NOTICE OF COMMISSION DECISION TO EXTEND THE TARGET DATE FOR
COMPLETION OF THE ENFORCEMENT PROCEEDING**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the target date for completion of the above-captioned enforcement proceeding to October 25, 2012.

FOR FURTHER INFORMATION CONTACT: Clint A. Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 205-3061. Copies of 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 SW., Washington, D.C. 20436, telephone 202-205-2000. 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/>. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this enforcement proceeding on September 6, 2011, based on an enforcement complaint filed by Richtek Technology Corp. of Hsinchu, Taiwan and Richtek USA, Inc. of San Jose, California (collectively "Richtek"). 76 *Fed. Reg.* 55109-10. The complaint alleged violations of the August 13, 2010 consent orders issued in the underlying investigation by the continued practice of prohibited activities such as importing, offering for sale, and selling for importation into the United States DC-DC controllers or products containing the same that infringe one or more of U.S. Patent Nos. 7,315,190 ("the '190 patent"); 6,414,470 ("the '470 patent"); and 7,132,717; or that contain or use Richtek's asserted trade secrets. The Commission's notice of institution of enforcement proceedings named uPI and Sapphire Technology Limited ("Sapphire") of Shatin, Hong Kong as respondents. Sapphire was later terminated from the investigation based on a settlement agreement.

On June 8, 2012, the presiding administrative law judge (“ALJ”) issued his enforcement initial determination (“EID”) finding a violation of the August 13, 2010 consent order by uPI. He found that, after issuance of the consent order, uPI has imported, and knowingly aided and abetted importation of, accused products into the United States that infringe all asserted claims of the patents at issue, and formerly accused products that contain or use Richtek’s asserted trade secrets. He found that uPI’s products developed after the consent order issued did not misappropriate Richtek’s asserted trade secrets. Also, he recommended enforcement measures for uPI’s violation that included: (1) modifying the consent order to clarify that the order applies (and has always applied) to all uPI affiliates, past, present, or future; and (2) imposing a civil penalty of \$750,000 against uPI. On June 25, 2012, uPI and Richtek each filed a petition for review of the EID; and on July 3, 2012, Richtek, uPI, and the Commission investigative attorney (“IA”) each filed a response to the opposing party’s petition.

On August 9, 2012, the Commission issued notice of its determination to review: (1) the ALJ’s finding of infringement of the ’470 patent; (2) the ALJ’s finding of infringement of the ’190 patent; and (3) the ALJ’s determination that uPI violated the consent order on 75 days. 77 *Fed. Reg.* 49022-23 (Aug. 15, 2012). The Commission also requested the parties to respond to certain questions concerning the issues under review and requested written submissions on the issues of remedy, the public interest, and bonding from the parties and interested non-parties. *Id.*

On August 23 and 30, 2012, respectively, complainant Richtek, respondent uPI, and the IA each filed a brief and a reply brief on the issues for which the Commission requested written submissions.

The Commission has determined to extend the target date for completion of the above-referenced investigation by sixteen (16) days to October 25, 2012.

The Commission has terminated the enforcement proceeding. 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 210.51(a) of the Commission’s Rules of Practice and Procedure, 19 C.F.R. § 210.51(a).

By order of the Commission.



Lisa R. Barton
Acting Secretary to the Commission

Issued: October 4, 2012