

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

**In the Matter of**

**CERTAIN POLYIMIDE FILMS, PRODUCTS  
CONTAINING SAME, AND RELATED  
METHODS**

**Inv. Nos. 337-TA-772**

**NOTICE REGARDING INITIAL DETERMINATION ON VIOLATION OF SECTION  
337 AND RECOMMENDED DETERMINATION ON REMEDY AND BOND**

(May 10, 2012)

On this date, I issued an initial determination on violation of section 337 and recommended determination on remedy and bond in the above-referenced investigation. Below are the conclusions of law from said filing, which are a matter of public record. A complete public version of the Initial Determination and Recommended Determination on Remedy and Bond will be issued when all the parties have submitted their redactions and I have had an opportunity to review the redactions.

**CONCLUSIONS OF LAW**

1. The Commission has subject matter jurisdiction, *in rem* jurisdiction, and *in personam* jurisdiction.
2. There has been an importation into the United States, sale for importation, or sale within the United States after importation of the accused polyimide films or products containing same, which are the subject of the alleged unfair trade allegations.
3. SKC has failed to offer evidence of patent misuse by Kaneka.

**U.S. Patent No. 6,264,866**

4. An industry does not exist in the United States that exploits U.S. Pat. No. 6,264,866, as required by 19 U.S.C. § 1337(a)(2).

5. Claims 1-3 of U.S. Pat. No. 6,264,866 are not invalid.

6. The accused SKC processes do not infringe claims 1-3 of U.S. Pat. No. 6,264,866.

7. There is no violation of 19 U.S.C. § 1337(a)(1) with respect to U.S. Pat. No. 6,264,866.

**U.S. Patent No. 6,746,639**

8. An industry does not exist in the United States that exploits U.S. Pat. No. 6,746,639, as required by 19 U.S.C. § 1337(a)(2).

9. Claim 1 of U.S. Pat. No. 6,746,639 is not invalid.

10. U.S. Pat. No. 6,746,639 is not unenforceable due to inequitable conduct.

11. The accused SKC processes do not infringe claim 1 of U.S. Pat. No. 6,746,639.

12. There is no violation of 19 U.S.C. § 1337(a)(1) with respect to U.S. Pat. No. U.S. Pat. No. 6,746,639.

**U.S. Patent No. 7,018,704**

13. An industry does not exist in the United States that exploits U.S. Pat. No. 7,018,704, as required by 19 U.S.C. § 1337(a)(2).

14. Claim 1 of U.S. Pat. No. 7,018,704 is invalid due to indefiniteness pursuant to 35 U.S.C. § 112, ¶ 2.

15. The accused SKC products do not infringe claim 1 of U.S. Pat. No. 7,018,704.

16. There is no violation of 19 U.S.C. § 1337(a)(1) with respect to U.S. Pat. No. U.S. Pat. No. 7,018,704.

**U.S. Patent No. 7,691,961**

17. An industry does not exist in the United States that exploits U.S. Pat. No. 7,691,961, as required by 19 U.S.C. § 1337(a)(2).

18. Claim 1 of U.S. Pat. No. 7,691,961 is invalid due to lack of enablement pursuant to 35 U.S.C. § 112, ¶ 1.

19. Claim 9 of U.S. Pat. No. 7,691,961 is not invalid.

20. The accused SKC IN-70 (50um) product infringes claim 9 of U.S. Pat. No. 7,691,961. No other accused SKC products infringe claims 1 and/or 9 of U.S. Pat. No. 7,691,961.

21. There is no violation of 19 U.S.C. § 1337(a)(1) with respect to U.S. Pat. No. U.S. Pat. No. 7,691,961.

**SO ORDERED.**



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Robert K. Rogers, Jr.  
Administrative Law Judge