

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

In the Matter of

**CERTAIN SILICON MICROPHONE
PACKAGES AND PRODUCTS
CONTAINING THE SAME**

Investigation No. 337-TA-629

**NOTICE OF DECISION NOT TO REVIEW AN INITIAL DETERMINATION
GRANTING-IN-PART A MOTION FOR SUMMARY DETERMINATION REGARDING
THE EXISTENCE OF A DOMESTIC INDUSTRY**

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. 26) granting-in-part complainant's motion for summary determination regarding the domestic industry requirement.

FOR FURTHER INFORMATION CONTACT: Daniel E. Valencia, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-1999. 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 January 14, 2008, based on a complaint filed by Knowles Electronics, LLC ("Knowles") of Itasca, Illinois. *73 Fed. Reg.* 2277 (January 14, 2008). The complaint alleges violations of section 337 of the Tariff Act of 1930 (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 silicon microphone packages and products containing the same by reason of infringement of various claims of United States Patent Nos. 6,781,231 ("the '231 patent") and 7,242,089 ("the '089 patent"). The complaint named MEMS Technology Berhad ("MEMSTech") of Malaysia as the respondent.

On August 20, 2008, Knowles filed a motion for summary determination that the domestic industry requirement of 19 U.S.C. § 1337(a)(2) has been met. On September 2, 2008, MEMSTech and the Commission investigative attorney opposed Knowles' motion in part.

On September 8, 2008, the ALJ issued the above-referenced ID granting-in-part Knowles' motion for summary determination regarding the domestic industry requirement with respect to the '231 patent. The ALJ denied Knowles' motion for summary determination as to the '089 patent, because he found a genuine issue of material fact as to the technical prong. No petitions for review were filed.

The Commission has determined not to review the 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/
Marilyn R. Abbott
Secretary to the Commission

Issued: September 26, 2008