

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SEMICONDUCTOR DEVICES,
SEMICONDUCTOR DEVICE PACKAGES,
AND PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-1010

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW AND ON REVIEW TO
AFFIRM WITH MODIFICATIONS AN INITIAL DETERMINATION
GRANTING-IN-PART A MOTION FOR SUMMARY DETERMINATION OF
NON-INFRINGEMENT OF U.S. PATENT NO. 6,856,007**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review an initial determination (“ID”) (Order No. 77) of the presiding administrative law judge (“ALJ”) granting-in-part a motion for summary determination of non-infringement of U.S. Patent No. 6,856,007 (“the ’007 patent”). On review, the Commission has determined to affirm the ID with modifications as explained below.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2392. 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 <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://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 June 24, 2016, based on a complaint filed on behalf of Tessera Technologies, Inc.; Tessera, Inc.; and Invensas Corporation, all of San Jose, California (collectively, “Tessera”). 81 *Fed. Reg.* 41344 (Jun. 24, 2016). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of certain claims of the ’007 patent; U.S. Patent No. 6,849,946; and U.S. Patent No. 6,133,136. The complaint further alleges that a domestic industry exists. The Commission’s notice of investigation named numerous respondents including: Broadcom Limited of Singapore; Broadcom Corporation of Irvine,

California; Avago Technologies Limited of Singapore; Avago Technologies U.S. Inc. of San Jose, California; Comcast Cable Communications, LLC of Philadelphia, Pennsylvania; Comcast Cable Communications Management, LLC of Philadelphia, Pennsylvania; Comcast Business Communications, LLC of Philadelphia, Pennsylvania; NETGEAR, Inc. of San Jose, California; Technicolor S.A. of Issy-Les-Moulineaux, France; Technicolor USA, Inc. of Indianapolis, Indiana; and Technicolor Connected Home USA LLC of Indianapolis, Indiana (collectively, "Respondents"). The Office of Unfair Import Investigations is not participating in the investigation.

On January 26, 2017, Respondents filed a motion for summary determination of non-infringement of the '007 patent. *See* Order No. 77 at 1 (Mar. 15, 2017). Tessera filed a response in opposition on February 6, 2017. *Id.* at 1-2. Respondents filed a reply brief on February 9, 2017. *Id.* at 2. On March 15, 2017, the ALJ issued the subject ID (Order No. 77) granting-in-part and denying-in-part the motion. *Id.*

No petitions for review were filed. The Commission has determined to review the ID and, on review, to affirm the ID and correct certain citations to the record. Specifically, on page 3 of the ID, the Commission has determined to replace the citation "Opposition at 9; Deposition Transcript of Dr. P. Kohl (rough) ("Kohl Tr.") at 267:25-268:9" with "Opposition at 9; Deposition Transcript of Dr. P. Kohl ("Kohl Tr.") at 280:8-25" and replace the citation "Kohl Tr. at 268:19-269:21; Opposition at 9; N450-100NAS Teardown Report at 20" with "Kohl Tr. at 281:1-20; Opposition at 9; N450-100NAS Teardown Report at 20." On page 11 of the ID, the Commission has determined to replace the citation "Kohl Tr. at 268:19-269:21; 272:23-25" with "Kohl Tr. at 280:22-281:20," replace the citation "*Id.* at 268:19-269:21" with "*Id.* at 281:1-20," and replace the citation "Kohl Tr. at 268:19-269:21, 270:1-20, 272:3-16. *Id.* at 268:19-269:21, 270:1-20" with "Kohl Tr. at 281:1-283:24, 284:22-286:8." On page 14 of the ID, the Commission has determined to replace the citation "Kohl Tr. at 268:19-269:21; Opposition at 9; N450-100NAS Teardown Report at 20" with "Kohl Tr. at 280:8-281:20; Opposition at 9; N450-100NAS Teardown Report at 20." On page 23, the Commission has determined to replace the citation "Kohl Report, ¶ 186; Kohl Tr., 268:19-269:21, 270:1-20; 272:3-16" with "Kohl Report, ¶ 186; Kohl Tr. at 280:22-283:24, 284:22-286:8."

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 Part 210 of the Commission's Rules of Practice and Procedure, 19 C.F.R. Part 210.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: April 14, 2017