

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

**In the Matter of**

**CERTAIN LITHOGRAPHY MACHINES AND  
SYSTEMS AND COMPONENTS THEREOF (I)**

**Investigation No. 337-TA-1128**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN  
INITIAL DETERMINATION TERMINATING THE INVESTIGATION  
AS TO CERTAIN ASSERTED PATENT CLAIMS  
BASED ON WITHDRAWAL OF THE COMPLAINT**

**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. 12), granting a motion to partially terminate the investigation on the basis of withdrawal of the complaint.

**FOR FURTHER INFORMATION CONTACT:** Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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 TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on August 21, 2018, based on a complaint filed by Carl Zeiss SMT GmbH of Oberkochen, Germany ("Zeiss"). 83 FR 42317, 42318 (Aug. 21, 2018). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 by reason of the infringement of claims 1-10, 12, 16, 17, 19-28, and 30-42 of U.S. Patent No. 8,902,407 ("the '407 patent"); and claims 1-9, 11, 13, 14, 17-22, and 24-29 of U.S. Patent No. 9,280,058 ("the '058 patent"). *Id.* The notice of investigation named as respondents Nikon Corporation of Tokyo, Japan; and Nikon Research Corporation of America and Nikon Precision Inc., both of Belmont, California (collectively, "Nikon"). *Id.*

On November 20, 2018, Zeiss filed an unopposed motion to terminate the investigation based upon withdrawal of the complaint as to claims 28, 30-38, and 40-42 of the '407 patent; and claims 17-22, and 24-29 of the '058 patent.

On December 6, 2018, the presiding ALJ granted the motion as an ID (Order No. 12). The ID finds that the motion complies with Commission Rule 201.21(a), 19 CFR 210.21(a), and that no extraordinary circumstances exist that would prevent termination of the investigation as to the specified patent claims. ID at 2.

No petitions for review of the ID were filed. The Commission has determined not to review the ID.

The following claims remain within the scope of the investigation: claims 1-10, 12, 16, 17, 19-27, and 39 of the '407 patent; and claims 1-9, 11, 13, and 14 of the '058 patent.

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 CFR part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton  
Secretary to the Commission

Issued: December 20, 2018