

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN CHEMICAL MECHANICAL
PLANARIZATION SLURRIES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1204

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING THE INVESTIGATION IN PART
BASED ON WITHDRAWAL OF COMPLAINANT'S ALLEGATION OF
INFRINGEMENT AS TO CLAIM 5 OF U.S. PATENT NO. 9,499,721**

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 an initial determination ("ID") (Order No. 12) of the presiding administrative law judge ("ALJ") granting complainant's motion to terminate the investigation in part based on the withdrawal of complainant's allegation of infringement as to claim 5 of U.S. Patent No. 9,499,721 ("the '721 patent").

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone (202) 205-2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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: On July 7, 2020, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), based on a complaint filed by Cabot Microelectronics Corporation of Aurora, Illinois. 85 FR 40685-86 (Jul. 7, 2020). The complaint alleges a violation of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain chemical mechanical planarization slurries and components thereof by reason of infringement of one or more claims of the '721 patent. The complaint also alleges the existence of a domestic industry. The notice of investigation names as respondents DuPont de Nemours, Inc. of Wilmington, Delaware; Rohm and Haas Electronic Materials CMP Inc. of

Newark, Delaware; Rohm and Haas Electronic Materials CMP Asia Inc. (d/b/a Rohm and Haas Electronic Materials CMP Asia Inc., Taiwan Branch (U.S.A.)) of Taoyuan City, Taiwan; Rohm and Haas Electronic Materials Asia-Pacific Co., Ltd. of Miaoli, Taiwan; Rohm and Haas Electronic Materials K.K. of Tokyo, Japan; and Rohm and Haas Electronic Materials LLC of Marlborough, Massachusetts. *Id.* at 40686. The Commission’s Office of Unfair Import Investigations is also named as a party in this investigation. *Id.* Subsequently, the Commission amended the complaint and the notice of investigation, thus permitting complainant to assert infringement of additional claims of the ’721 patent. Order No. 7 (Oct. 1, 2020), *unreviewed* by Notice (Oct. 19, 2020); *see* 85 FR 67371-72 (Oct. 22, 2020). The Commission also amended the complaint and the notice of investigation to change the name of complainant from Cabot Microelectronics Corporation to CMC Materials, Inc (“CMC”). Order No. 8 (Nov. 10, 2020), *unreviewed* by Notice (Nov. 24, 2020); *see* 85 FR 77238 (Dec. 1, 2020).

On January 14, 2021, complainant CMC filed a motion to terminate the investigation in part to withdraw its allegation of infringement as to claim 5 of the ’721 patent. The motion states that “[a]ll other parties stated that they will not oppose this Motion.” Mot. at 1. No response was filed.

On January 26, 2021, the ALJ issued the subject ID (Order No. 12) pursuant to Commission Rule 210.21(a)(1), 19 C.F.R. 210.21(a)(1), granting complainant’s motion. The ID finds that there are no extraordinary circumstances that warrant denying the motion. ID at 2. No party petitioned for review of the ID.

The Commission has determined not to review the subject ID. Claim 5 of the ’721 patent has been terminated from the investigation.

The Commission vote for this determination took place on February 16, 2021.

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.



Lisa R. Barton
Secretary to the Commission

Issued: February 16, 2021