

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SEMICONDUCTOR DEVICES
HAVING LAYERED DUMMY FILL,
ELECTRONIC DEVICES, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1342

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO
CERTAIN RESPONDENTS AND LIMITING SERVICE**

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 chief administrative law judge's ("CALJ") initial determination ("ID") (Order No. 20) (1) terminating this investigation as to respondents Suteng Innovation Technology Co., Ltd., d/b/a RoboSense ("RoboSense") based on a partial withdrawal of the complaint; (2) terminating this investigation as to the following respondents based on a settlement agreement: Analog Devices, Inc. ("ADI"); Bose Corporation ("Bose"); Marvell Technology Group, Ltd., and Marvell Semiconductor, Inc. (collectively, "Marvell"); Kioxia Corporation and Kioxia America, Inc. (collectively, "Kioxia"); MACOM Technology Solutions, Inc. ("MACOM"); Silicon Laboratories, Inc. ("SiLabs"); Linksys USA, Inc. ("Linksys"); and DENSO Corporation ("DENSO"); and (3) limiting service of the confidential version of the settlement agreement to the Commission Investigative Staff ("Staff").

FOR FURTHER INFORMATION CONTACT: Paul Lall, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2043. 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: The Commission instituted this investigation on November 29, 2022, based on a complaint filed by Bell Semiconductor, LLC of Bethlehem, Pennsylvania. 87 FR 73330-31 (Nov. 29, 2023). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the

importation into the United States, the sale for importation, and the sale within the United States after importation of certain semiconductor devices having layered dummy fill, electronic devices, and components thereof by reason of infringement of certain claims of U.S. Patent No. 7,396,760. The complaint, as amended, further alleges that a domestic industry exists. The notice of investigation named fifteen respondents. *Id.* The Office of Unfair Import Investigations (“OUII”) was also named as a party to the investigation. *Id.*

On February 1, 2023, Complainant filed a motion seeking to (1) terminate this investigation as to RoboSense based on a partial withdrawal of the complaint; (2) terminate this investigation as to the following respondents based on a settlement agreement: ADI, Bose, Marvell, Kioxia, MACOM, SiLabs, Linksys, and DENSO; and (3) limit service of the confidential version of the settlement agreement to the Staff. *ID* at 1. Complainant filed a corrected version of its motion on February 3, 2023. *Id.* at 2. The Staff filed a response supporting Complainant’s motion to terminate the identified respondents and stating that it does not oppose Complainant’s request that service of the confidential version of the settlement agreement be limited to the Staff. *Id.*

On March 14, 2023, the presiding CALJ issued the subject ID, granting Complainant’s corrected motion to terminate and limiting service of the settlement agreement to the Staff. *ID* at 1. The subject ID notes that Complainant’s request for termination of this investigation as to RoboSense based on a partial withdrawal of the complaint “was made before the issuance of any initial determination on violation of section 337.” *ID* at 3. The subject ID finds that “there are no extraordinary circumstances that warrant denying the motion” with respect to RoboSense. *Id.* The subject ID also finds that terminating the other identified respondents based on the settlement agreement complies with 19 CFR 210.21. *Id.* at 4. The subject ID explains that “any effect the settlement agreement may have on the statutory public interest factors does not counsel against termination of this investigation” as to the identified respondents and that “partial termination of the investigation will preserve Commission resources and avoid unnecessary litigation.” *Id.* at 5.

With respect to limiting service of the relevant settlement agreement, the subject ID finds that Complainant “has shown good cause for limiting access to the unredacted versions to Staff.” *Id.* Specifically, the subject ID finds that “certain terms in the settlement agreement and releases constitute confidential business information of the settling parties within the meaning of Rule 201.6(a). Withholding the sensitive redacted terms from the non-settling parties advances the Commission’s policies of protecting competitive information and of promoting settlement.” *Id.*

No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID. The following respondents are hereby terminated from the investigation: Suteng Innovation Technology Co., Ltd., d/b/a RoboSense; Analog Devices, Inc.; Bose Corporation; Marvell Technology Group, Ltd.; Marvell Semiconductor, Inc.; Kioxia Corporation; Kioxia America, Inc.; MACOM Technology Solutions, Inc.; Silicon Laboratories, Inc.; Linksys USA, Inc.; and DENSO Corporation.

The Commission vote for this determination took place on March 31, 2023.

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', enclosed within a large, loopy oval flourish.

Lisa R. Barton
Secretary to the Commission

Issued: April 3, 2023