

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
RESPONDENT MAXLINEAR**

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. 21) terminating this investigation as to respondent MaxLinear, Inc. ("MaxLinear") of Carlsbad, California based on a settlement agreement.

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 ("Complainant"). 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. *Id.* at 73330. The complaint, as amended, further alleges

that a domestic industry exists. *Id.* The notice of investigation named fifteen respondents, including MaxLinear. *Id.* at 73331. The Office of Unfair Import Investigations was also named as a party to the investigation. *Id.*

On March 14, 2023, Complainant filed a joint motion with MaxLinear seeking to (1) terminate this investigation as to MaxLinear based on a settlement agreement; and (2) limit service of the confidential version of the settlement agreement to the Commission Investigative Staff (“Staff”). *See* ID at 1. On March 17, 2023, the Staff filed a response (“Staff Resp.”) supporting the joint motion to terminate MaxLinear and stating that it does not oppose the request that service of the confidential version of the settlement agreement be limited to the Staff. *See id.*; *see also* Staff Resp. at 3.

On March 28, 2023, the presiding CALJ issued the subject ID pursuant to Commission Rule 210.21(b) (19 CFR 210.21(b)), granting Complainant’s motion. *See* ID at 2-4. The subject ID finds that “any effect the settlement agreement may have on the statutory public interest factors does not counsel against termination of this investigation as to MaxLinear.” *Id.* at 3. It also finds that “partial termination of the investigation will preserve Commission resources and avoid unnecessary litigation.” *Id.*

With respect to limiting service of the relevant settlement agreement, the ALJ found that Complainant and MaxLinear “have shown good cause for limiting access to the unredacted version to Staff.” *Id.* Specifically, the ALJ found that “certain terms in the settlement agreement constitute confidential business information 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. MaxLinear, Inc. is hereby terminated from the investigation.

The Commission vote for this determination took place on April 20, 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.



Lisa R. Barton
Secretary to the Commission

Issued: April 21, 2023