

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C. 20436**

**In the Matter of**

**CERTAIN SEMICONDUCTOR CHIPS  
WITH MINIMIZED CHIP PACKAGE  
SIZE AND PRODUCTS CONTAINING  
SAME**

**Investigation No. 337-TA-605**

**NOTICE OF COMMISSION DETERMINATION DENYING RESPONDENTS' JOINT  
MOTION TO STAY ENFORCEMENT OF A LIMITED EXCLUSION ORDER AND  
CEASE AND DESIST ORDERS**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to deny a motion to stay enforcement of a limited exclusion order and cease and desist orders pending appeal of the Commission's final determination of a violation of Section 337 by Spansion, Inc. and Spansion, LLC, both of Sunnyvale, California (collectively "Spansion"); QUALCOMM, Inc. of San Diego, California ("Qualcomm"); ATI Technologies of Thornhill, Ontario, Canada ("ATI"); STMicroelectronics N.V. of Geneva, Switzerland ("ST-NV"); and Freescale Semiconductor, Inc. of Austin, Texas ("Freescale") (collectively, "Respondents") in the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:** Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. 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 <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://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 May 21, 2007, based on a complaint filed by Tessera, Inc. of San Jose, California ("Tessera") against Spansion, Qualcomm, ATI, Motorola, Inc. of Schaumburg, Illinois ("Motorola"), ST-NV, and Freescale. 72 *Fed. Reg.* 28522 (May 21, 2007). The complaint alleges violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United

States, the sale for importation, and the sale within the United States after importation of certain semiconductor chips with minimized chip package size or products containing same by reason of infringement of one or more claims of U.S. Patent Nos. 5,852,326, and 6,433,419.

On December 1, 2008, the presiding administrative law judge (“ALJ”) issued his final ID finding no violation of Section 337 by Respondents. On January 30, 2009, the Commission determined to review the final ID in part and requested briefing on the issues it determined to review, remedy, the public interest, and bonding. *74 Fed. Reg.* 6175-6 (Feb. 5, 2009).

On May 20, 2009, the Commission determined to reverse the ID’s determination of no violation of the ‘326 patent and ‘419 patent. *74 Fed. Reg.* 25579-81 (May 28, 2009). Specifically, the Commission reversed the ID’s finding that Respondents’ accused devices do not infringe asserted claims 1, 2, 6, 12, 16-19, 21, 24-26, and 29 of the ‘326 patent and asserted claims 1-11, 14, 15, 19, and 22-24 of the ‘419 patent. The Commission determined that the appropriate form of relief is (1) a limited exclusion order under 19 U.S.C. § 1337(d)(1) prohibiting the unlicensed entry of semiconductor chips with minimized chip package size and products incorporating these chips that infringe one or more of claims 1, 2, 6, 12, 16-19, 21, 24-26, and 29 of the ‘326 patent and claims 1-11, 14, 15, 19, and 22-24 of the ‘419 patent, and are manufactured abroad by or on behalf of, or imported by or on behalf of, Spansion, Qualcomm, ATI, Motorola, ST-NV, and Freescale; and (2) cease and desist orders directed to Motorola, Qualcomm, Freescale, and Spansion.

On June 2, 2009, Respondents filed a joint motion to stay the limited exclusion and cease and desist orders pending appeal of the Commission’s determination to the U.S. Court of Appeals for the Federal Circuit. Tessera and the Commission investigative attorney filed responses opposing the motion on June 12, 2009. On June 18, 2009, Respondents filed a motion for leave to file a joint reply in support of their motion to stay. Tessera filed an opposition to this motion on June 26, 2009.

The Commission has determined to deny Respondents’ motion to stay enforcement of the limited exclusion order and cease and desist orders pending appeal. Respondents’ motion for leave to file a joint reply in support of their motion to stay is also denied.

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 sections 210.15 of the Commission’s Rules of Practice and Procedure (19 C.F.R. §§ 210.15).

By order of the Commission.

/s/  
Marilyn R. Abbott  
Secretary to the Commission

Issued: July 17, 2009