

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN INTEGRATED CIRCUITS
WITH VOLTAGE REGULATORS AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-1024

**NOTICE OF COMMISSION DETERMINATION TO VACATE AN INITIAL
DETERMINATION (INCLUDED IN ORDER NO. 46) AND REMAND THE
INVESTIGATION TO THE ADMINISTRATIVE LAW JUDGE**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined to vacate an initial determination (the “ID”) (included in Order No. 46) granting Respondents’ motion for summary determination of non-infringement for all asserted claims of U.S. Patent No. 8,233,250, and has remanded the investigation to the presiding administrative law judge.

FOR FURTHER INFORMATION CONTACT: Ron Traud, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-205-3427. 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 SW., Washington, DC 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’s TDD terminal, telephone 202-205-1810.

SUPPLEMENTARY INFORMATION: On October 18, 2016, the Commission instituted this investigation based on a complaint filed by R2 Semiconductor, Inc. of Sunnyvale, CA (“R2”). 81 FR 71764 (Oct. 18, 2016). The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, or the sale within the United States after importation of certain integrated circuits with voltage regulators and products containing the same by reason of infringement of one or more of claims 1-4, 7-17, 20-26, 28, 29, and 31 of U.S. Patent No. 8,233,250 (“the ’250 patent”). *Id.* The Commission’s Notice of Investigation named as respondents Intel Corporation of Santa Clara, CA; Intel Ireland Ltd. of Leixlip, Ireland; Intel Products Vietnam Co., Ltd. of Ho Chi Minh City, Vietnam; Intel Israel 74, Ltd. of Haifa,

Israel; Intel Malaysia Sdn. Berhad of Penang, Malaysia; Intel China, Ltd. of Beijing, China; Dell, Inc. of Round Rock, TX; Dell Technologies Inc. of Round Rock, TX; HP Inc. of Palo Alto, CA; and Hewlett Packard Enterprise Co. of Palo Alto, CA (collectively, “Respondents”). *Id.* The Office of Unfair Import Investigations (“OUII”) is also a party in this investigation. *Id.*

R2 later amended its complaint to add allegations of infringement of claims 5, 6, 18, 19, 27, and 30 of the ’250 patent by the accused products. Order 14 (Feb. 9, 2017), *unreviewed*, Notice of Commission Determination Not to Review an Initial Determination Amending the Complaint and Notice of Investigation (Mar. 1, 2017); *also* 82 FR 12637 (Mar. 6, 2017). R2 later withdrew from the investigation its allegations regarding claim 16 of the ’250 patent and its allegations against certain Intel and Dell entities. Order 30 (May 25, 2017), *unreviewed*, Notice of Commission Determination Partially Terminating the Investigation as to a Patent Claim and Certain Respondents, (June 14, 2017). Only claims 1-15 and 17-31 of the ’250 patent remain at issue in this investigation.

On September 13, 2017, Respondents filed a motion for summary determination of noninfringement that the accused products do not infringe the asserted claims of the ’250 patent. On October 5, 2017, the presiding administrative law judge (“ALJ”) issued Order No. 46, which includes the ID, and grants Respondents’ motion. On October 16, 2017, R2 filed a petition for review of the ID and Respondents filed a contingent petition for review of the ID, and on October 23, 2017, R2 and Respondents filed responses to the others’ petitions. OUII did not file a petition, but filed separate responses to each of R2’s petition and Respondents’ contingent petition.

On November 21, 2017, the Commission determined to review the ID. Notice of Commission Determination to Review an Initial Determination (Included in Order No. 46), (Nov. 21, 2017). Having now examined the record of this investigation, including the ID and the submissions of the parties, the Commission has determined to vacate the ID and remand the investigation to the ALJ for further proceedings consistent with the contemporaneously-issued remand order and Commission opinion. The Commission has further determined that Respondents’ contingent petition for review is improper for failing to allege any error in the ID. *See* 19 CFR 210.43(b).

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 20, 2018