

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN PROBE CARD ASSEMBLIES,
COMPONENTS THEREOF AND CERTAIN
TESTED DRAM AND NAND FLASH MEMORY
DEVICES AND PRODUCTS CONTAINING SAME

Inv. No. 337-TA-621

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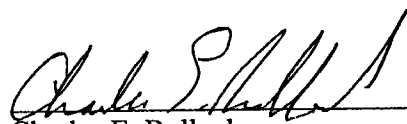
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NOTICE REGARDING ISSUANCE OF FINAL INITIAL DETERMINATION AND
RECOMMENDED DETERMINATION ON REMEDY AND BOND

(June 29, 2009)

On this date, the undersigned issued an Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond in the above-referenced investigation. Attached are pages 1-2 and 197-98 from said filing, which are a matter of public record. A complete public version of the Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond will be issued when all the parties have submitted their redactions and the undersigned has had an opportunity to review the proposed redactions.

SO ORDERED.


Charles E. Bullock
Administrative Law Judge

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN PROBE CARD ASSEMBLIES,
COMPONENTS THEREOF AND CERTAIN PROBE
CARD ASSEMBLIES, COMPONENTS THEREOF
AND CERTAIN TESTED DRAM AND NAND
FLASH MEMORY DEVICES AND PRODUCTS
CONTAINING SAME**

Inv. No. 337-TA-621

**INITIAL DETERMINATION ON VIOLATION OF SECTION 337 AND
RECOMMENDED DETERMINATION ON REMEDY AND BOND**

Administrative Law Judge Charles E. Bullock

(June 29, 2009)

Pursuant to the Notice of Investigation and Rule 210.42(a) of the Rules of Practice and Procedure of the United States International Trade Commission, this is the Administrative Law Judge's Initial Determination in the matter of certain probe card assemblies, components thereof and certain probe card assemblies, components thereof and certain tested DRAM and NAND flash memory devices and products containing same, Investigation No. 337-TA-621.

The Administrative Law Judge hereby determines that a violation of Section 337 of the Tariff Act of 1930, as amended, has not been found in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain probe card assemblies, components thereof and certain probe card assemblies, components thereof and certain tested DRAM and NAND flash memory devices and products containing same, in connection with claims 1, 3, 4,

18, 19, 23, 24, 29, 32, 33, 36, 37, and 41 of U.S. Patent No. 6,615,485; claims 1-3, 12, 24, and 25 of U.S. Patent No. 6,509,751; claim 19 of U.S. Patent No. 7,225,538; and claims 21-23, 27-30, and 33-35 of U.S. Patent No. 5,994,152 patent. Furthermore, the Administrative Law Judge hereby determines that a domestic industry in the United States exists that practices U.S. Patent No. 6,509,751 and does not exist that practices U.S. Patent Nos. 6,615,485; 7,225,538; and 5,994,152.

CONCLUSIONS OF LAW

1. The Commission has subject matter jurisdiction in this investigation.
2. The Commission has personal jurisdiction over Respondents Micronics Japan Co., Ltd., MJC Electronics Corp.; Phicom Corp.; and Phiam Corp.
3. Respondents Micronics' and Phicom's accused products do not infringe claims 1, 3, 4, 18, 19, 23, 24, 29, 32, 33, 36, 37, and 41 of U.S. Patent No. 6,615,485 in violation of 35 U.S.C. § 271(a).
4. Respondents Micronics' and Phicom's accused products do not infringe claims 1-3, 12, 24, and 25 of U.S. Patent No. 6,509,751 in violation of 35 U.S.C. § 271(a).
5. Respondents Micronics' accused products do not infringe claim 19 of U.S. Patent No. 7,225,538 in violation of 35 U.S.C. § 271(a).
6. Respondents Phicom's accused products do not infringe claims 21-23, 27-30, and 33-35 of U.S. Patent No. 5,994,152 patent in violation of 35 U.S.C. § 271(a).
7. An industry in the United States does not exist with respect to FormFactor's products that is protected by U.S. Patent Nos. 6,615,485; 7,225,538; and 5,994,152 as required by 19 U.S.C. § 1337(a)(2) and (3).
8. An industry in the United States exists with respect to FormFactor's products that is protected by U.S. Patent Nos. 6,509,751 as required by 19 U.S.C. § 1337(a)(2) and (3).
9. Claims 1, 3, 4, 18, 19, 23, 24, 29, 32, 33, 36, 37, and 41 of U.S. Patent No. 6,615,485 are not invalid under 35 U.S.C. § 102 for anticipation based on the asserted prior art references.
10. Claims 1, 3, 4, 18, 19, 23, 24, 29, 32, 33, 36, 37, and 41 of U.S. Patent No. 6,615,485 are not invalid under 35 U.S.C. § 103 for obviousness based on the asserted combination of prior

art references.

11. Claims 1, 3, 4, 18, 19, 23, 24, 29, 32, 33, 36, 37, and 41 of U.S. Patent No. 6,615,485 are not invalid under 35 U.S.C. § 112 for lack of written description and/or enablement.
12. Claims 1-3, 12, 24, and 25 of U.S. Patent No. 6,509,751 are not invalid under 35 U.S.C. § 102 for anticipation based on the JP -034 to Amamiya or Hagihara '192 patent prior art references.
13. Claims 1-3, 12, 24, and 25 of U.S. Patent No. 6,509,751 are not invalid under 35 U.S.C. § 103 for obviousness based on WO96/15458 alone or in combination with the JP -034 to Amamiya or Hagihara '192 patent.
14. Claim 19 of U.S. Patent No. 7,225,538 is not invalid under 35 U.S.C. § 102 for anticipation based on the Beaman '846 patent; the Beaman '654 patent; or the Laakso '545 patent prior art references.
15. Claim 19 of U.S. Patent No. 7,225,538 is not invalid under 35 U.S.C. § 103 for obviousness based on any of Respondent Micronics prior art combinations.
16. Claim 19 of U.S. Patent No. 7,225,538 is not invalid under 35 U.S.C. § 112 for lack of written description and/or enablement.
17. Claim 19 of U.S. Patent No. 7,225,538 is not invalid based on unenforceability.
18. Claim 21 of U.S. Patent No. 5,994,152 patent is invalid under 35 U.S.C. § 102 for anticipation based on the Kubena '194 patent prior art reference.
19. Claims 21-23, 27-30, and 33-35 of U.S. Patent No. 5,994,152 patent are not invalid under 35 U.S.C. § 112 for lack of written description and/or enablement.
20. The asserted patents are not invalid based on patent misuse and/or unclean hands.

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CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **NOTICE** has been served upon **Benjamin Levi, Esq.**, Commission Investigative Attorney, and the following parties via first class mail and air mail where necessary on June 29, _____ **2009.**



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CERTIFICATE OF SERVICE - PAGE 2

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CERTIFICATE OF SERVICE - PAGE 3

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