

UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C.

In the Matter of

CERTAIN SILICON MICROPHONE  
PACKAGES AND PRODUCTS  
CONTAINING THE SAME

Investigation No. 337-TA-629

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**ORDER: GRANT OF COMPLAINANT'S REQUEST FOR RECONSIDERATION AND  
GRANT OF RESPONDENT'S PETITION FOR RECONSIDERATION**

On January 14, 2008, the Commission instituted an investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. §1337, based on a complaint filed by Knowles Electronics, LLC of Itasca, Illinois ("Knowles"), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain silicon microphone packages or products containing same by reason of infringement of one or more of claims of U.S. Patent Nos. 6,781,231 and 7,242,089 ("the '089 patent"). 73 Fed. Reg. 2277 (Jan. 14, 2008). The complainant named MEMS Technology Berhad of Malaysia ("MemsTech") as the only respondent. *Id.* The complaint sought, *inter alia*, a limited exclusion order covering infringing silicon microphone packages and products containing the same.

On January 12, 2009, the presiding administrative law judge ("ALJ") issued his "Initial Determination (ID) on Violation of Section 337 and Recommended Determination (RD) on Remedy and Bond" finding a violation of section 337. He recommended that the Commission issue a limited exclusion order directed to MemsTech and require no bond during the period of Presidential review. On March 13, 2009, the Commission issued a notice determining to review

the final ID in part. 74 *Fed. Reg.* 11748 (March 19, 2009) (“Commission Notice”). On June 12, 2009, the Commission issued its final determination, affirming the ID’s finding of violation and adopting the RD’s recommendation that the Commission issue a limited exclusion order and require no bond during the period of Presidential review.

On June 26, 2009, Knowles filed a request for reconsideration asking that the Commission reconsider certain wording in its Opinion stating that Memstech’s “chamber chip” products are not covered by the limited exclusion order. *See* Commission Opinion (July 12, 2009) at 17-18. Knowles also requested that any reference to claim 10 of the ‘089 patent in the opinion, notice, or exclusion order be removed since the ALJ found, and the Commission did not review, that claim 10 is invalid. Memstech and the Commission investigative attorney both opposed Knowles’ request concerning the Commission Opinion’s wording on July 6, 2009.

Also on June 26, 2009, Memstech filed its own petition for reconsideration asking that the Commission strike the language “and products containing the same” from the limited exclusion order and that any reference to claim 10 of the ‘089 patent be removed from the opinion, notice, and exclusion order. Knowles responded to Memstech’s petition on July 6, 2009.

Upon consideration of this matter, the Commission hereby ORDERS that:

1. Complainant's request to reconsider wording in the Commission's June 12, 2009 Opinion is GRANTED such that the words "have been found to" in the sentence bridging pages 17 and 18 and the following sentence on page 18, along with its footnote, are stricken, and a sentence concerning the "chamber chip" product has been added.
2. Respondent's request to strike all instances of the wording "and products containing the same" from the limited exclusion order is GRANTED.
3. Complainant's and Respondent's requests to strike any references in the Notice of Final Determination, Opinion, or limited exclusion order to claim 10 of the '089 patent are GRANTED.

By order of the Commission.



Marilyn R. Abbott  
Secretary to the Commission

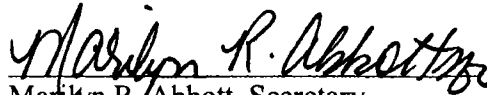
Issued: **August 18, 2009**

**CERTAIN SILICON MICROPHONE PACKAGES AND  
PRODUCTS CONTAINING THE SAME**

**337-TA-629**

**PUBLIC CERTIFICATE OF SERVICE**

I, Marilyn R. Abbott, hereby certify that the attached **ORDER: GRANT OF  
COMPLAINANT'S REQUEST FOR RECONSIDERATION AND GRANT OF  
RESPONDENT'S PETITION FOR RECONSIDERATION** has been served by hand  
upon the Commission Investigative Attorney, Mareesa Frederick, Esq., and the following  
parties as indicated, on **AUG 19 2009**.

  
Marilyn R. Abbott, Secretary  
U.S. International Trade Commission  
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