

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN DC-DC CONTROLLERS AND
PRODUCTS CONTAINING THE SAME

Inv. No. 337-TA-698

Order No. 3: Setting Target Date Of 4/5/11 And Requiring Proposed
Procedural Schedule(s) By 1/29/10

Pursuant to Order No. 1, the administrative law judge has received discovery statements from complainants, respondents and the staff.

Complainants, in their discovery statement, argued that complainant Richtek Technology Corp. (Richtek Technology) and Richtek USA, Inc. (Richtek USA) (collectively Richtek) brought this investigation to remedy unfair acts caused by former Richtek employees who, in violation of their confidentiality agreements, stole proprietary Richtek information to found respondent uPI Semiconductor Corporation (uPI) and compete with Richtek using Richtek's own inventions; that respondents Advanced Micro Devices' (AMD), Graphics and Media Processor Division, formerly known as ATI Technologies ULC (ATI), actively encouraged the uPI founders to engaged in these unlawful activities to obtain at least a cheaper source of DC-DC controllers, which they have imported in violation of Section 337; that in light of the Kyocera decision, and because DC-DC controller chips are normally incorporated into downstream products prior to importation into the United States, Richtek named "Sapphire Technology Ltd."

(Sapphire), Best Data Products Inc. d/b/a, Diamond Multimedia Inc. (Diamond), and Eastcome, Inc. d/b/a, XFX Technology, Inc. (XFX) as respondents to obtain effective relief against uPI's theft and infringement; that Richtek hopes, once they are fully apprised of uPI's behavior and

infringement, that these downstream respondents will enter into consent orders agreeing to purchase DC-DC controllers from other, non-infringing sources; that Richtek expects the bulk of discovery regarding violation to be between Richtek and uPI, though some discovery of AMD is needed regarding its participation and encouragement in uPI's theft and infringement, as well as to identify other accused products and potential downstream respondents; and that discovery of the existing and expected future downstream respondents should be more limited.

Complainants proposed "a fifteen month target date for completion of the investigation (March 29, 2011)."

Respondents "Advanced Micro Devices, Inc., Best Data Products, Inc. d/b/a Diamond Multimedia, Eastcom, Inc. d/b/a XFX Technology USA, uPI Semiconductor Corp., and Sapphire Technology Limited," in their discovery statement, proposed a "16-month target date of April 29, 2011."


The staff, in its discovery statement, proposed a target date of April 5, 2011.

Having considered the arguments of the parties regarding the target date as well as the administrative law judge's schedule, the administrative law judge is setting a fifteen (15) month target date, viz. April 5, 2011,¹ which means that any final initial determination should be filed no later than Monday December 6, 2010. In addition, the administrative law judge is setting the days of July 29, 30, August 2, 3, and 4, 2010 in Hearing Room A for the prehearing conference and evidentiary hearing. Hence complainants, respondents and the staff should submit a proposed procedural schedule(s), pursuant to the ground rules, after consultation with each other

¹ The notice of investigation was published on January 5, 2010 (75 Fed. Reg. Vol. 75, No. 2 at 446-7).

and taking into consideration the hearing dates, no later the close of business on January 29, 2010.

On January 26, 2010, counsel for the parties and the staff received a copy of this order.

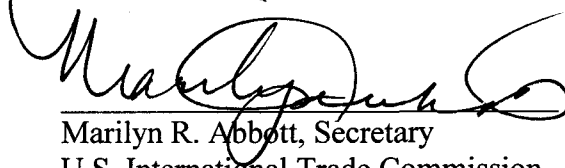


Paul J. Luckern
Chief Administrative Law Judge

Issued: January 26, 2010

CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney, Lisa A. Murray, Esq., and the following parties as indicated, on January 26, 2010.



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