

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN SEMICONDUCTOR
LITHOGRAPHY SYSTEMS AND
COMPONENTS THEREOF**

Inv. No. 337-TA-1137

**ORDER NO. 3: SETTING TARGET DATE, HEARING DATES, AND
PRELIMINARY CONFERENCE**

(November 1, 2018)

On October 9, 2018, the Commission issued a Notice of Investigation in this matter upon a complaint alleging violations of section 337 of the Tariff Act of 1930, as amended, by reason of infringement of certain claims of U.S. Patent No. 7,295,283 (“the ’283 patent”); U.S. Patent No. 7,403,264 (“the ’264 patent”); and U.S. Patent No. 9,188,880 (“the ’880 patent”).

The Commission ordered that an investigation be instituted to determine “whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products . . . by reason of infringement of one or more of claims 1, 2, 5-9, 15, 16, 18-22, 25, and 27 of the ’283 patent; claims 1-3, 5, and 6 of the ’264 patent; and claims 1, 3, 4, 7-12, 22, 23, and 25-27 of the ’880 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337.” Notice of Investigation at 2. Pursuant to Commission Rule 210.10(b)(1), the accused products are “lithography machines that use a projection system to project circuit patterns drawn on a ‘mask’ or ‘reticle’ onto a photoresist on a silicon wafer, components of the lithography machines, and systems related to the operation of the lithography machines.” *Id.*

The investigation was instituted upon publication of the Notice of Investigation in the *Federal Register* on Tuesday, October 23, 2018. 83 Fed. Reg. 53498-99 (2018); *see* 19 C.F.R. § 210.10(b).

The Complainants are ASML Netherlands B.V. of Veldhoven, Netherlands, and ASML US, L.P. and ASML US, LLC of Chandler, Arizona. Notice of Investigation at 2. The Respondents are Nikon Corporation of Tokyo, Japan, and Nikon Precision Inc. and Nikon Research Corporation of America of Belmont, California. *Id.* at 3.

Based upon the issues identified in the Complaint and Notice of Investigation, and in consideration of the schedules for other ongoing investigations before the Administrative Law Judge, the target date for completion of this investigation shall be Monday, February 24, 2020, which is sixteen months after institution of the investigation. *See* 19 C.F.R. § 210.51(a). Accordingly, the initial determination on alleged violation of section 337 shall be due by Thursday, October 24, 2019. *See* 19 C.F.R. § 210.42(a)(1)(i).

The evidentiary hearing in this investigation shall begin following a pre-hearing conference on Monday, July 29, 2019, and it will conclude by the close of business on Friday, August 2, 2019. *See* 19 C.F.R. § 210.36. Pursuant to Ground Rule 5.2, I have determined that a *Markman* hearing would be beneficial to this investigation, and a *Markman* hearing shall be held on Wednesday, April 3, 2019. The parties may also present technology tutorials on the day of the *Markman* hearing.

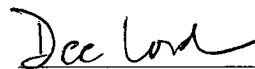
Pursuant to Ground Rule 2.1, the Complainants shall serve two (2) paper copies of the final complete version of the complaint in this investigation on the Administrative Law Judge, no later than Friday, November 9, 2018. Pursuant to Ground Rule 1.3, these copies of the complaint shall be single-sided and shall not be stapled, bound, or hole-punched but may be held by easily

removable clips or rubber bands. Voluminous exhibits and attachments may be submitted electronically on a flash drive, external hard drive, or optical disk.

The parties shall submit a proposed procedural schedule for this investigation no later than Tuesday, November 13, 2018, taking into account the above-identified dates for hearings.¹ The contents for the procedural schedule are set forth in Ground Rule 2.3. The parties should make intensive good faith efforts to agree to a procedural schedule, and it is expected that in most instances the parties will submit a joint proposal.

Pursuant to Ground Rule 2.4, I will hold a preliminary conference on Friday, November 16, 2018, at 11:00 a.m. via telephone. The parties should be prepared to discuss their written submissions and any issues with respect to the ground rules, the protective order, the procedural schedule, discovery, and any other matters that may have surfaced. Counsel for Complainant shall be responsible for the logistics of the teleconference, including arranging for a court reporter and circulating a dial-in number.

SO ORDERED.



Dee Lord
Administrative Law Judge

¹ Any proposed procedural schedule should not be filed with the Secretary but served on the Administrative Law Judge pursuant to Ground Rule 1.3 with an electronic copy in Word format pursuant to Ground Rule 1.4.

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served upon the following parties as indicated, on **November 8, 2018**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

**On Behalf of Complainants ASML Netherlands B. V., ASML
US, L.P., ASML US, LLC:**

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**On Behalf of Respondents Nikon Corporation, Nikon
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