UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, DC

Before the Honorable Thomas B. Pender
Administrative Law Judge

In The Matter Of **CERTAIN SILICON MICROPHONE PACKAGES AND PRODUCTS CONTAINING SAME**	**Investigation No. 337-TA-825**

COMPLAINANT KNOWLES ELECTRONICS, LLC'S UNOPPOSED MOTION TO TERMINATE INVESTIGATION WITH RESPECT TO CERTAIN CLAIMS

For the purpose of narrowing this Investigation, Complainant Knowles Electronics, LLC ("Knowles") moves pursuant to Commission Rule 210.21(a) to terminate this investigation, in part, by withdrawing the allegations in its complaint as to claims 13 and 14 of U.S. Patent No. 7,439,616 (the "'616 Patent") and claim 19 of U.S. Patent No. 8,018,049 (the "'049 Patent").

Pursuant to Commission Rule 210.21(a)(1), Knowles states that there are no agreements, written or oral, express or implied between the parties concerning the subject matter of this motion. Pursuant to Rule 5.1.2 of the Ground Rules, counsel for Knowles made reasonable, good-faith efforts to contact and resolve this matter with counsel for Respondents Analog Devices, Inc., Avnet Inc., and Amkor Technology, Inc. (collectively, "Respondents"), at least two days prior to filing this motion. Counsel for Respondents has indicated that Respondents will not oppose this motion to terminate the claims at issue.

In view of the foregoing, Knowles respectfully requests that the above-captioned Investigation be terminated as to claims 13 and 14 of the '616 Patent and claim 19 of the '049 Patent. Should this motion be granted, Knowles expects to continue this Investigation as to

claims 1, 2, 8-12, and 15-18 of the '616 Patent, and as to claims 1, 11, 12, 15, 16, 21-23, and 26 of the '049 Patent.[1]

Dated: July 13, 2012,

Respectfully submitted,

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Counsel for Complainant Knowles Electronics, LLC

[1] On May 8, Knowles filed an unopposed motion to terminate this investigation, in part, with respect to claims 2, 5, and 6 of the '049 Patent. *See* Motion No. 825-002.

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MEMORANDUM IN SUPPORT OF COMPLAINANT KNOWLES ELECTRONICS, LLC'S UNOPPOSED MOTION TO TERMINATE INVESTIGATION WITH RESPECT TO CERTAIN CLAIMS

Complainant Knowles Electronics, LLC ("Knowles") has moved pursuant to Commission Rule 210.21(a) to terminate this investigation, in part, by withdrawing the allegations in its complaint as to claims 13 and 14 of U.S. Patent No. 7,439,616 (the "'616 Patent") and claim 19 of U.S. Patent No. 8,018,049 (the "'049 Patent").

There are no procedural impediments to granting the instant motion. Commission Rule 210.21(a)(1) provides in relevant part that "[a]ny party may move at any time prior to the issuance of an initial determination on violation of section 337 of the Tariff Act of 1930 to terminate an investigation in whole or in part as to any or all respondents, on the basis of withdrawal of the complaint or certain allegations contained therein." Here, no initial determination on violation has been issued. Knowles also states, pursuant to Rule 210.21(a)(1), that "there are no agreements, written or oral, express or implied between the parties concerning the subject matter of this motion."

This motion is in the best interest of the parties, the court, and the public. Withdrawal of the identified claims will help focus the parties' efforts at the hearing and will narrow the issues for the Administrative Law Judge and Commission, thereby preserving private and public

resources. This is particularly true given the state of the litigation: this motion is filed prior to expert depositions, more than two months in advance of the hearing, which is scheduled to begin September 28, 2012, and well in advance of the initial determination, which is scheduled to issue on January 11, 2013. Under these circumstances, motions for partial termination are routinely granted. *See, e.g., Certain Electronic Digital Media Devices and Components Thereof*, Inv. No. 337-TA-796, Order. No. 17 (April 17, 2012) (hereinafter "*Certain Electronic Media*") (granting motion for partial termination as to certain claims because "public and private resources will be conserved"); *Certain Tool Handles, Tool Holders, Tool Sets, and Components Thereof*, Inv. No. 337-TA-483, Order No. 7 (Apr. 22, 2003) (granting motion for partial termination as to certain claims because "a reduction in the number of patent claims at issue will allow the parties to focus their attention on the 'primary' patent claims in a more expeditious manner and will also reduce the time and resources required from all of the parties and the administrative law judge").

The respondents in this case do not oppose this motion, and no extraordinary circumstances exist that justify denying it. *See Certain Transport Vehicle Tires*, Inv. No. 337-TA-390, Order No. 17 at 4-5 (Jan. 30, 1997) ("In the absence of extraordinary circumstances, termination of the investigation will be readily granted to a complainant during the prehearing stage of an investigation." (quoting *Certain Ultrafiltration Membrane Systems, and Components Thereof, Including Ultrafiltration Membranes*, Inv. No. 337-TA-107, Commission Action and Order at 2 (Mar. 11, 1982))); *see also Certain Electronic Media* ("In the absence of extraordinary circumstances . . . *partial termination* will be granted." (emphasis added)).

Based on the foregoing, Knowles respectfully requests that its motion be granted, and that the above-captioned Investigation be terminated as to claims 13 and 14 of the '616 Patent and claim 19 of the '049 Patent. Should this motion be granted, Knowles expects to continue

this Investigation as to claims 1, 2, 8-12, and 15-18 of the '616 Patent, and as to claims 1, 11, 12, 15, 16, 21-23, and 26 of the '049 Patent.[2]

Dated: July 13, 2012,

Respectfully submitted,

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Counsel for Complainant Knowles Electronics, LLC

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