

**THE UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.**

**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**

**JOINT MOTION OF COMPLAINANT KNOWLES ELECTRONICS, LLC AND  
RESPONDENTS ANALOG DEVICES, INC., AMKOR TECHNOLOGY, INC.,  
AND AVNET, INC. FOR LEAVE TO SUBMIT  
EXHIBITS WITHOUT SPONSORING WITNESSES**

Pursuant to Commission Rule 210.37 and Ground Rule 12.5 in this Investigation, all parties to this Investigation jointly move for an exception to Ground Rule 12.5 permitting certain exhibits to be entered into evidence in this investigation without the testimony of a sponsoring witness.

Commission Rule 210.37 provides that “relevant, material, and reliable evidence shall be admitted” into the record. 19 C.F.R. § 210.37. Under Ground Rule 12.5, “[i]f all of the parties participating in the hearing stipulate, an exception may be granted to the rule and an exhibit may be admitted into evidence without the testimony of a sponsoring witness.” Thus, if the parties stipulate, and the proposed evidence is relevant, material, reliable, and noncontroversial, it is appropriate to receive such exhibits into evidence without a sponsoring witness.

On August 8 and 9, 2012, the parties conferred regarding the submission of this motion. All parties have stipulated and agreed to submission of these exhibits without sponsoring witnesses.<sup>1</sup>

Good cause exists to grant the instant motion, as the foundation for the proffered exhibits is clear and there is no risk of the exhibits coming into the record without explanation regarding their purpose. *See, e.g., In the Matter of Certain Computing Devices with Associated Instruction Sets and Software*, Inv. No. 337-TA-812, Order No. 15 (July 30, 2012).<sup>2</sup>

Specifically, the parties seek to enter the following categories of exhibits by stipulation:

- 1) Certified copies of the patents in suit:
  - a. JX-001: Certified Copy of U.S. Patent No. 8,018,049: Silicon Condenser Microphone and Manufacturing Method, bearing Bates No. KE-825ITC-00220895 through KE-825ITC-00220924.
  - b. JX-002: Certified Copy of United States Patent No.: 7,439,616, bearing Bates No. KE-825ITC-00220871 through KE-825ITC-00220894.
- 2) Certified copies of the file histories for the patents in suit:
  - a. JX-003: Certified Copy of File History of U.S. Patent No. 8,018,049, bearing Bates No. KE-825ITC-00228141 through KE-825ITC-00230145

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<sup>1</sup> The parties are also in the process of negotiating additional stipulations that may resolve certain additional evidentiary issues in the investigation. If such a stipulation is signed, the parties will respectfully seek leave at that time to submit any such stipulation and accompanying materials.

<sup>2</sup> Additionally, the parties are in the process of preparing, through the direct and rebuttal exhibit exchange process, deposition designations and counter designations for at least certain witnesses. The parties may ultimately submit such exhibits jointly, and to the extent permissible may respectfully seek leave to admit them without a sponsoring witness as well.

- b. JX-004: Certified Copy of File History, U.S. Patent No. 7,439,616, as Transmitted to ITC on December 23, 2011, bearing Bates No. KE-825ITC-00220977 through KE-825ITC-00221371.
- 3) The parties' joint identification of claim terms and the parties' proposed constructions:
  - a. JX-005: Joint Identification of Claim Terms for Construction and Proposed Constructions, bearing Bates No. JX-005.001 through JX-005.005.
- 4) A prior patent application for a patent ultimately related to the patents in suit:
  - a. JX-006: United States Patent Application No. US 2002/0102004 A1, bearing Bates No. KE-825ITC-00220850 through KE-825ITC-00220870.

The parties respectfully submit that admission of JX-1 through JX-4 and JX-6 is appropriate because all of these exhibits consist of materials on file with (or issued by) the U.S. Patent and Trademark Office, which are not controversial and which are of a type received by stipulation without a sponsor in past investigations. *See Computing Devices*, 337-TA-812, Order No. 15. In addition JX-005, the parties' joint submission as to claim terms requiring construction, is appropriate for receipt into evidence without a sponsor to aid the Administrative Law Judge, as it has been signed by both parties and a foundation does not need to be established.

Because the preceding exhibits bear upon virtually every issue being litigated in this investigation, their presence in the record is clear and benefits all parties to the investigation. Permitting their introduction now, without a sponsor, conserves time and resources at trial as they will be available for use from the first moment of the trial. As there are no risks of

prejudice associated with the admission of these exhibits without a sponsor, the parties respectfully request that their motion be granted.

Dated: August 10, 2012

Respectfully submitted,

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