

UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, DC

In The Matter Of

CERTAIN SILICON MICROPHONE  
PACKAGES AND PRODUCTS  
CONTAINING SAME

337-TA-825

**ORDER NO. 9: INITIAL DETERMINATION GRANTING KNOWLES'S MOTION  
FOR PARTIAL TERMINATION WITH RESPECT TO CLAIMS 2, 5,  
AND 6 OF U.S. PATENT NO. 8,018,049**

(September 21, 2012)

On May 8, 2012, complainant Knowles Electronics, LLC ("Knowles") filed a motion to terminate the investigation in part with respect to claims 2, 5, and 6 of U.S. Patent No. 8,018,049 ("the '049 patent"). (Motion Docket No. 825-002.) The motion states that Respondents do not oppose the present motion to terminate.

Knowles seeks to withdraw its allegations related to claims 2, 5, and 6 of the '049 patent to simplify this Investigation and conserve the resources of the Commission, the ALJ, and the parties. Knowles states that there are no extraordinary circumstances that should serve to prevent the partial termination as requested by Knowles. Knowles asserts that such partial termination is in the public interest as it would simplify and streamline this Investigation.

Commission Rule 210.21(a)(1) states, *inter alia*:

Any 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, or for good cause other than the grounds listed in paragraph (a)(2) of this section. ... The presiding administrative law judge may grant the motion in an initial determination upon such terms and conditions as he deems proper.

19 C.F.R § 210.21(a)(1). A complainant can seek partial termination of an investigation by

withdrawing asserted claims or asserted patents pursuant to Commission Rule 210.21(a)(1). *See Certain Tool Handles, Tool Holders, Tool Sets, Components Therefore*, Inv. No. 337-TA-483, Order No. 7 (Apr. 22, 2003) (granting motion for partial termination as to certain claims where complainant “determined not to proceed with the investigation as to [certain claims], on the ground that 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 to proceed with the investigation”). In the absence of extraordinary circumstances, such partial termination will be granted. *Id.* Moreover, while good cause need not be shown in support of a complainant's voluntary request to withdraw patent claims from an investigation, it has been held that “good cause exists for a complainant to withdraw patent claims from an investigation where withdrawal would serve to ensure resolution of the issues remaining in the investigation in an orderly fashion.” *Certain Data Storage Systems and Components Thereof*, Inv. No. 337-TA-471, Order No. 21 (Oct. 8, 2002) (“The withdrawal of 64 claims will narrow and focus the issues in this investigation and allow all parties to concentrate their efforts on matters about [which] there is true controversy.”).

I find no extraordinary circumstance that prevents the partial termination of this investigation. Partial termination of the investigation is in the public interest, as public and private resources will be conserved. *Certain Power Supplies*, Inv. No. 337-TA-646, Order No. 18 (Jan. 5, 2009). Accordingly, Motion No. 825-002 is hereby GRANTED. It is my Initial Determination that claims 2, 5, and 6 of the '049 patent are terminated from this investigation.

This Initial Determination, along with supporting documentation, is hereby certified to the Commission. Pursuant to 19 C.F.R. § 210.42(h), this Initial Determination shall become the

determination of the Commission unless a party files a petition for review of the Initial Determination pursuant to 19 C.F.R. § 210.43(a), or the Commission, pursuant to 19 C.F.R. § 210.44, orders, on its own motion, a review of the Initial Determination or certain issues herein.

**SO ORDERED.**



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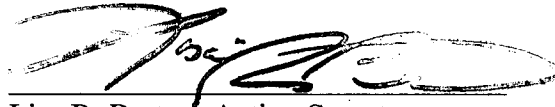
Thomas B. Pender  
Administrative Law Judge

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CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER NO. 9: INITIAL DETERMINATION** has been served upon, **The Office of Unfair Import Investigations** and the following parties via first class mail and air mail where necessary on SEP 21 2012,



Lisa R. Barton, Acting Secretary  
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