

PUBLIC VERSION

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, DC**

Before the Honorable Thomas J. Pender
Administrative Law Judge

In The Matter Of

**CERTAIN SILICON MICROPHONE
PACKAGES AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-825

**PRIVATE PARTIES' JOINT MOTION FOR TERMINATION OF
INVESTIGATION BASED ON SETTLEMENT**

Pursuant to 19 U.S.C. § 1337(c) and Commission Rule 210.21(b), the Private Parties in this Investigation, namely Complaint Knowles Electronics, LLC (“Knowles”) and Respondents Analog Devices, Inc. (“ADI”), Amkor Technology, Inc. (“Amkor”), and Avnet, Inc. (“Avnet”) (collectively, “Respondents”) hereby submit this Joint Motion to Terminate Investigation No. 337-TA-825 in view of a settlement agreement between Knowles and ADI.

A true and correct copy of this settlement agreement is attached to this submission as Exhibit A. The agreement between Knowles and ADI completely resolves the dispute as to all Respondents in this Investigation, and reflects the entire and only agreement regarding the subject matter of this Investigation. The Private Parties represent that there are currently no other agreements, written or oral, express or implied, between them concerning the subject matter of this Investigation.

Knowles and Respondents have also included a redacted public version of the settlement agreement with the public version of this submission.

As the public interest favors the termination of Investigations through settlement, for the reasons set forth in the accompanying memorandum, Knowles and Respondents respectfully request that the Administrative Law Judge issue an initial determination terminating the above-

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captioned Investigation in its entirety as to each Respondent in accordance with the provisions of 19 U.S.C. § 1337(c) and 19 C.F.R. § 210.1021(b), based on the accompanying agreement.

Dated: March 12, 2013

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Before the Honorable Thomas J. Pender
Administrative Law Judge

In The Matter Of

**CERTAIN SILICON MICROPHONE
PACKAGES AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-825

**MEMORANDUM IN SUPPORT OF THE PRIVATE PARTIES' JOINT MOTION FOR
TERMINATION OF INVESTIGATION BASED ON SETTLEMENT**

Pursuant to 19 U.S.C. § 1337(c) and Commission Rule 210.21(b), the Private Parties in this Investigation, namely Complaint Knowles Electronics, LLC (“Knowles”) and Respondents Analog Devices, Inc. (“ADI”), Amkor Technology, Inc. (“Amkor”), and Avnet, Inc. (“Avnet”) (collectively, “Respondents”) hereby submit this Joint Motion to Terminate Investigation No. 337-TA-825 in view of a settlement agreement between Knowles and ADI.

A true and correct copy of this settlement agreement is attached to this submission as Confidential Exhibit A, and a redacted public version is included with the public version of this submission. The unredacted settlement agreement contains Confidential Business Information of Knowles and ADI within the meaning of 19 C.F.R. § 201.6(a).

The agreement between Knowles and ADI completely resolves the dispute as to all Respondents in this Investigation, and reflects the entire and only agreement regarding the subject matter of this Investigation. The Private Parties represent that there are currently no other agreements, written or oral, express or implied, between them concerning the subject matter of this Investigation. The Private Parties recognize that termination of this Investigation by settlement does not constitute a determination as to the violation of section 337 of the Tariff Act of 1930, including as to the merits of the claims and defenses raised during this

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Investigation. *See* 19 C.F.R. § 210.21(b)(2). In view of the agreement, there no longer exists a basis upon which to continue this Investigation.

Moreover, termination of this Investigation falls squarely within the public interest. Commission policy recognizes that settlements play a vital role in preserving both private and public resources, and motions to terminate based on settlement agreements are routinely granted. *See, e.g., Certain Consumer Electronics and Display Devices and Products Containing Same*, Inv. No. 337-TA-836, Order No. 30 at 2 (Jan. 28, 2013) (terminating investigation based on settlement agreement, and noting that such termination “is generally in the public interest”); *Certain Portable Communication Devices*, Inv. No. 337-TA-827, Order No. 15 at 2 (May 31, 2012) (same); *Certain Hydraulic Excavators and Components Thereof*, Inv. No. 337-TA-582, Order. No. 49, at 2 (Aug. 13, 2007) (terminating investigation in light of settlement agreement and noting that “termination of litigation under these circumstances is generally in the public interest as settlement avoids needless litigation and preserves public resources”).

The termination of this Investigation pursuant to the settlement agreement will also have no adverse impact on the public health and welfare and/or competitive conditions in the United States. Accordingly, the Administrative law Judge is authorized to issue an initial determination terminating this Investigation under 19 C.F.R. § 210.21(b).

For the forgoing reasons, Knowles and Respondents respectfully request that the Administrative Law Judge grant this motion and issue an initial determination terminating this Investigation with respect to each of the Respondents based on the accompanying agreement.

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Dated: March 12, 2013

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