

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN SEMICONDUCTOR CHIPS WITH  
MINIMIZED CHIP PACKAGE SIZE AND  
PRODUCTS CONTAINING SAME (III)**

Inv. No. 337-TA-630

RECEIVED  
OFFICE OF THE SECRETARY  
U.S. INTERNATIONAL TRADE COMMISSION  
2008 MAR 12 PM 3:30

**ORDER NO. 12: GRANTING COMPLAINANT'S MOTION FOR AN ORDER TO  
SHOW CAUSE REGARDING ENTRY OF DEFAULT AGAINST TWO RESPONDENTS**

(March 12, 2008)

On February 19, 2008, Complainant Tessera, Inc. ("Tessera") filed a motion (630-011), pursuant to Commission Rule 210.16(b), for an order to show cause and default judgment against Respondents TwinMOS Technologies Inc. and TwinMOS Technologies USA Inc. (collectively "TwinMOS"), based on the Respondents failure to respond to the Complaint and Notice of Investigation. Tessera's motion requests the issuance of an initial determination finding TwinMOS in default upon failure of TwinMOS to show cause. No responses to the motion were received.

On December 7, 2007, Tessera filed a complaint with the Commission pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337. The complaint, which was supplemented on December 21<sup>st</sup> and 28<sup>th</sup>, alleges that TwinMOS, among others, violate Section 337 in connection with importation into the United States, sale for importation, and sale after importation of certain semiconductor chips with minimized chip package size and products containing same by reason of infringement of U.S. Patent Nos. 5,663,106 ("the '106 patent"); 5,679,977 ("the '977 patent"); 6,133,627 ("the '627 patent"); and 6,458,681 ("the '681 patent"). On January 3, 2008, the

Commission issued a Notice of Investigation that was subsequently published in the Federal Register on January 14, 2008.<sup>1</sup>

TwinMOS Technologies Inc. is located in Taiwan and TwinMOS Technologies USA Inc. is located in Milpitas, California. On January 4, 2008, the Office of the Secretary served, via federal express, copies of the Complaint and Notice of Investigation on TwinMOS and the Embassy of Taiwan. The served copies on TwinMOS were not returned to the Secretary as undelivered, which has been found to be a sufficient indication of receipt to justify the issuance of a show-cause order under Commission Rule 210.16(a)(1).<sup>2</sup> Under the Commission's Rules of Practice and Procedure and the undersigned's order extending the time to file responses to the complaint, TwinMOS's responses were due on February 15, 2008. As of this date, TwinMOS has not yet filed a response to the Complaint.

Section 337(g), 19 U.S.C. § 1337(g)(1)(C), and Commission Rule 210.16, 19 C.F.R. § 210.16(a)(1), provide that a respondent shall be found in default if it fails to respond or otherwise fails to answer the complaint and notice of investigation, and fails to show cause why it should not be found in default. In view of TwinMOS's failure to respond to the Complaint and Notice of Investigation, and failure to inform the Commission why it did not respond to Tessera's motion, Tessera's motion to show cause (630-011) is hereby granted.

TwinMOS is hereby ordered, **no later than the close of business on March 28, 2008**, to show cause why it should not be found in default for failing to respond. In the absence of any


---

<sup>1</sup> See 73 Fed. Reg. 2,276 (January 14, 2008).

<sup>2</sup> See *Certain Lighters*, Inv. No. 337-TA-575, Order No. 6 (August 16, 2006); *Certain Sildenafil or Any Pharmaceutically Acceptable Salt Thereof, such as Sildenafil Citrate, and Products Containing Same*, Inv. No. 337-TA-489, Order No. 13 (May 13, 2003).

showing of good cause within said time period, the undersigned will enter an initial determination of default against TwinMOS.

**SO ORDERED.**

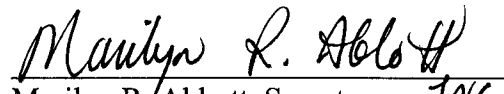
  
\_\_\_\_\_  
Charles E. Bullock  
Administrative Law Judge

**IN THE MATTER OF CERTAIN SEMICONDUCTOR CHIPS  
WITH MINIMIZED CHIP PACKAGE SIZE AND PRODUCTS  
CONTAINING SAME (III)**

**337-TA-630**

CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **ORDER** was served upon, **Kecia J. Reynolds, Esq.**, Commission Investigative Attorney, and the following parties via first class mail and air mail where necessary on March 13, **2008**.

  
Marilyn R. Abbott, Secretary *JW6*  
U.S. International Trade Commission  
500 E Street, S.W., Room 112A  
Washington, DC 20436

**FOR COMPLAINANT TESSERA, INC.**

Tom M. Schaumberg, Esq.  
Ian J. Taronji, Esq.  
Michael L. Doane, Esq.  
Quian Sheng, Esq.  
**ADDUCI, MASTRIANI & SCHAUMBERG, LLP**  
1200 Seventeenth Street, N.W.  
Washington, DC 20036

Amanda Tessar, Esq.  
**GIBSON, DUNN & CRUTCHER LLP**  
1801 California Street, Suite 4200  
Denver, CO 80202

Mark N. Reiter, Esq.  
Steven M. Geiszler, Esq.  
**GIBSON, DUNN & CRUTCHER LLP**  
2100 McKinney Avenue, Suite 1100  
Dallas, TX 75201

**IN THE MATTER OF CERTAIN SEMICONDUCTOR CHIPS  
WITH MINIMIZED CHIP PACKAGE SIZE AND PRODUCTS  
CONTAINING SAME (III)**

**337-TA-630**

Wayne M. Barsky, Esq.  
Joshua Jessen, Esq.  
**GIBSON, DUNN & CRUTCHER LLP**  
2029 Century Park East, Suite 4000  
Los Angeles, CA 90067

H. Mark Lyon, Esq.  
**GIBSON, DUNN & CRUTCHER LLP**  
1881 Page Mill Road  
Palo Alto, CA 94304

**FOR RESPONDENTS ACER, INC., ACER AMERICA CORPORATION, NANYA  
TECHNOLOGY CORPORATION, NANYA TECHNOLOGY CORPORATION U.S.A.,  
AND POWERCHIP SEMICONDUCTOR CORPORATION**

Jeffrey A. Dunn, Esq.  
Rebecca Goldsmith Lombard, Esq.  
**VENABLE LLP**  
575 7<sup>th</sup> Street, N.W.  
Washington, DC 20004

G. Hopkins Guy, III., Esq.  
Kai Tseng, Esq.  
**ORRICK, HERRINGTON & SUTCLIFFE, LLP**  
1000 Marsh Road  
Menlo Park, CA 94025

**FOR RESPONDENT KINGSTON TECHNOLOGY CO., INC.**

Victoria Hao, Esq.  
**SEYFARTH SHAW LLP**  
815 Connecticut Avenue, N.W., Suite 500  
Washington, DC 20006

**IN THE MATTER OF CERTAIN SEMICONDUCTOR CHIPS  
WITH MINIMIZED CHIP PACKAGE SIZE AND PRODUCTS  
CONTAINING SAME (III)**

**337-TA-630**

Christine Yang, Esq.  
Duncan Palmatier, Esq.  
Lisa Case, Esq.  
**LAW OFFICES OF S.J. CHRISTINE YANG**  
17220 Newhope Street, Suite 101-102  
Fountain Valley, CA 92708

**FOR RESPONDENTS ELPIDA MEMORY, INC. & ELPIDA MEMORY (USA) INC.**

Larry L. Shatzer, Esq.  
Kenneth E. Krosin, Esq.  
**FOLEY & LARDNER, LLP**  
3000 K Street, N.W., Suite 500  
Washington, DC 20007

Gina A. Bibby, Esq.  
**FOLEY & LARDNER, LLP**  
975 Page Mill Road  
Palo Alto, CA 94304

**FOR RESPONDENTS ProMOS TECHNOLOGIES, INC.**

Victoria Hao, Esq.  
**SEYFARTH SHAW LLP**  
815 Connecticut Avenue, N.W., Suite 500  
Washington, DC 20006

Alan L. Unikel, Esq.  
Joseph R. Lanser, Esq.  
**SEYFARTH SHAW LLP**  
131 South Dearborn Street, Suite 2400  
Chicago, IL 60603

**FOR RESPONDENT SMART MODULAR TECHNOLOGIES, INC.**

Michael A. Oblon, Esq.  
**PERKINS COIE LLP**  
607 14<sup>th</sup> Street, N.W., Suite 800  
Washington, DC 20005-2011

**IN THE MATTER OF CERTAIN SEMICONDUCTOR CHIPS  
WITH MINIMIZED CHIP PACKAGE SIZE AND PRODUCTS  
CONTAINING SAME (III)**

**337-TA-630**

Jonathan M. James, Esq.  
Davie J. Palmer, Esq.  
**PERKINS COIE BROWN & BAIN LLP**  
2901 N. Central Avenue, Suite 2000  
Phoenix, AR 85012-2788

**FOR RESPONDENTS ELIPIDA MEMORY INC., AND ELIPIDA MEMORY (USA) INC.**

Thomas N. Tarney, Esq.  
Steven C. Malin, Esq.  
**SIDLEY AUSTIN LLP**  
717 North Harwood, Suite 3400  
Dallas, TX 75201

**FOR RESPONDENT CENTON ELECTRONICS, INC.**

Joseph P. DiVincenzo, Esq.  
**REMER, DiVINCENZO & GRIFFITH**  
2121 E. Pacific Coast Highway, Suite 280  
Corona De. Mar, CA 92626

**FOR RESPONDENTS PERIPHERAL DEVICES & PRODUCTS SYSTEMS, INC. d/b/a  
PATRIOT MEMORY**

John V. Picone III, Esq.  
Allonn E. Levy, Esq.  
**HOPKINS & CARLEY, A LAW CORPORATION**  
70 South First Street  
San Jose, CA 95113

**FOR RESPONDENTS A-DATA TECHNOLOGY CO., LTD., A-DATA TECHNOLOGY  
(U.S.A.) CO., LTD. & INTERNATIONAL PRODUCTS SOURCING GROUP, INC.**

Johnny C. Chiu, Esq.  
Maureen F. Browne, Esq.  
Brian D. Kaider, Esq.  
**HELLER EHRMAN LLP**  
1717 Rhode Island Avenue, N.W.  
Washington, DC 20036

**IN THE MATTER OF CERTAIN SEMICONDUCTOR CHIPS  
WITH MINIMIZED CHIP PACKAGE SIZE AND PRODUCTS  
CONTAINING SAME (III)**

**337-TA-630**

Laura E. Underwood-Muschamp, Esq.  
**HELLER EHRMAN LLP**  
4350 La Jolla Village Drive, 7<sup>th</sup> Floor  
San Diego, CA 92122

**FOR RESPONDENTS RAMAXEL TECHNOLOGY LTD.**

Ruffin B. Cordell, Esq.  
Timothy W. Riffe, Esq.  
**FISH & RICHARDSON P.C.**  
1425 K Street, N.W., 11<sup>th</sup> Floor  
Washington, DC 20005

Ruixue Ran, Esq.  
**EAST ASSOCIATES**  
19<sup>th</sup> Floor, Landmark Tower 2  
8 North Dongsanhuan Avenue  
Chaoyang Distric, Beijing 100004  
P.R. China

**RESPONDENTS:**

**TWINMOS TECHNOLOGIES INC.**  
No. 3, Tzu Chiang Rd.  
Hsin-Chu Industrial District  
Hu Kou Xiang  
Hsin-Chu, Taiwan 303

**TWINMOS TECHNOLOGIES USA INC.**  
1694 S. Main Street, Suite 105  
Milpitas, CA 95035

**IN THE MATTER OF CERTAIN SEMICONDUCTOR CHIPS  
WITH MINIMIZED CHIP PACKAGE SIZE AND PRODUCTS  
CONTAINING SAME (III)**

**337-TA-630**

PUBLIC MAILING LIST

Sherry Robinson  
LEXIS - NEXIS  
8891 Gander Creek Drive  
Miamisburg, OH 45342

Ronnita Green  
Thomson West  
1100 – 13<sup>th</sup> Street NW  
Suite 200  
Washington, DC 20005