

ITC Institutes Section 337 Investigation on Certain Polyimide Films, Products Containing Same, and Related Methods

Kaneka Corporation (Headquarters: Osaka, Japan; President: Mr. Kimikazu Sugawara), a leading corporation in the electronic materials field among others, announced today that the U.S. International Trade Commission (ITC) has decided to institute an investigation pertaining to infringement of Kaneka patents by SKC KOLON PI, Inc. ("SKPI"), a South Korean polyimide film manufacturer, and its U.S. importer SKC, Inc. ("SKC"). According to ITC's news release on the web site below (News Release 11-041 dated April 28, 2011), the Investigation Number for this matter is 337-TA-772.

http://usitc.gov/press_room/news_release/2011/er0428jj2.htm

The ITC's decision is a response to Kaneka's April 1, 2011 filing of a complaint with the ITC against SKPI and SKC. The complaint alleges that SKPI and SKC have engaged in unfair trade practices by the importation and sale of polyimide film products that infringe at least four of Kaneka's patents (U.S. Patent Nos. 6,264,866, 6,746,639, 7,018,704 and 7,691,961). The Kaneka patents relate to novel polyimide films and methods for manufacturing such films. Kaneka requested that the ITC commence an investigation into SKPI and SKC's use of Kaneka's patents and, among other things, issue an Exclusion Order barring the importation of infringing products, prohibiting further sales of infringing products that have already been imported, and halting the marketing, advertising, demonstration and warehousing of inventory for distribution and use of such imported products in the United States.

The ITC is a quasi-judicial Federal agency that offers an alternative, fast-tracked, forum for foreign and domestic owners of U.S. intellectual property rights to seek to block infringing products from the U.S. market. Specifically, 19 USC § 1337 authorizes the ITC to address claims of patent infringement by imported goods and unfair competition related to imported products. The ITC operates with unique rules and procedures that typically result in considerably faster determinations and can provide immediate consequences for importers, manufacturers and sellers of infringing products.

Kaneka expects that the ITC will make its final determination in this matter in about 12 months. Kaneka is also currently investigating the unauthorized use of its patented polyimide films and methods in interim semi-manufactured products, electronic parts derived from such interim products and their installed electronic products.