

# EXHIBIT 5

PUBLIC VERSION

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C.**

**Before The Honorable Thomas B. Pender  
Administrative Law Judge**

In the Matter of

CERTAIN COMPUTING OR GRAPHICS  
SYSTEMS, COMPONENTS THEREOF,  
AND VEHICLES CONTAINING SAME

Investigation No. 337-TA-984

**JOINT MOTION TO TERMINATE INVESTIGATION AS TO  
THE FUJITSU TEN RESPONDENTS BASED ON PATENT LICENSE AGREEMENTS  
AND EXPEDITED REQUEST FOR EXTENSION OF PROCEDURAL STAY**

Pursuant to 19 U.S.C. § 1337(c) and Commission Rule 210.21(b), Complainant Advanced Silicon Technologies LLC (“Advanced Silicon”) and Respondents FUJITSU TEN LIMITED and FUJITSU TEN CORP. OF AMERICA (together, “Fujitsu Ten”) (Advanced Silicon and Fujitsu Ten collectively, the “Parties”), hereby submit this Joint Motion to Terminate Investigation 337-TA-984 as to the Fujitsu Ten Respondents, in view of certain agreements resolving the disputes between the Parties. These agreements include: (1) a Patent License Agreement between Advanced Silicon and Renesas (the “AST-Renesas PLA”), (2) an Escrow Agreement among Advanced Silicon, Renesas, [REDACTED], and Citibank N.A. (the “Escrow Agreement”), and (3) a Patent License and License Option Agreement between Advanced Silicon and Third Party [REDACTED] (the “Third Party PLA”) under which

(a) [REDACTED] has the right to grant a sublicense to the Fujitsu Ten Respondents and

(b) Advanced Silicon is obligated to execute a written release agreement in favor of the Fujitsu

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Ten Respondents (together, the “Agreements”). The Parties also respectfully request that the stay of the procedural schedule currently in effect be extended until this Motion is decided.

A true and correct copy of the AST-Renasas PLA, redacted to protect the disclosure of confidential business information, is attached as Public Exhibit A, and a confidential unredacted version of the AST-Renasas PLA is attached as Confidential Exhibit A-1.

A true and correct copy of the Third Party PLA, redacted to protect the disclosure of confidential business information, is attached as Public Exhibit B, and a highly confidential unredacted version of the Third Party PLA is attached as Highly Confidential Exhibit B-1. Contemporaneously with this motion, Advanced Silicon is also filing a motion pursuant to Commission Rule 210.21(a)(1), requesting that the ALJ limit service of the highly confidential unredacted Third Party PLA to the Parties and Staff.

A true and correct copy of the Escrow Agreement, redacted to protect the disclosure of confidential business information, is attached as Public Exhibit C, and a confidential minimally redacted version of the Escrow Agreement is attached as Confidential Exhibit C-1.<sup>1</sup>

The Agreements completely resolve the dispute between Advanced Silicon and the Fujitsu Ten Respondents in this Investigation.

Taken together, the Agreements together with their exhibits reflect the entire and only agreements relating to the resolution of the dispute between the Parties regarding the subject matter of this Investigation. The Parties represent that there are no other agreements, written or oral, express or implied, between the Parties concerning the subject matter of this Investigation.

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<sup>1</sup> Advanced Silicon has not received—and, indeed, has no right to receive—a fully unredacted version of the Escrow Agreement. *See* Ex. C-1 at Section 4.11. Moreover, the Escrow Agreement has terminated and is no longer in effect. *See id.* at Section 1.7.

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The Parties agree that termination of this Investigation on the basis of the Agreements as to only the Fujitsu Ten Respondents 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 or defenses raised during this Investigation. *See* 19 C.F.R. § 210.21(b)(2).

In view of the Agreements, there no longer exists a basis upon which to continue this Investigation as to the Fujitsu Ten Respondents. Further, termination of this Investigation as to the Fujitsu Ten Respondents at this stage of the proceedings poses no threat to the public interest. Indeed, it is in the interest of the public and administrative economy to grant this motion. Commission policy and the public interest generally favor agreements, which preserve resources for both the Commission and the private parties, and motions to terminate based on agreements are routinely granted. *See, e.g., Certain Communications or Computing Devices and Components Thereof*, Inv. No. 337-TA-925, Order No. 37 (June 5, 2015) (terminating one respondent based on agreement); *Certain Consumer Electronics with Display and Processing Capabilities*, Inv. No. 337-TA-884, Order No. 15 (Aug. 1, 2014) (terminating investigation based on agreements among complainant, certain respondents, and a third party); *Certain Consumer Electronics and Display Devices and Products Containing Same*, Inv. No. 337-TA-836, Order No. 30 at 3 (January 28, 2013) (unreviewed) (terminating investigation based on agreements among complainant, remaining respondents, and a third party); *Certain Portable Communication Devices*, Inv. No. 337-TA-827, Order No. 15 at 2 (May 31, 2012) (unreviewed) (same) (citation omitted).<sup>2</sup>

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<sup>2</sup> *See also Certain Equipment for Telecommunications or Data Communications Networks, Including Routers, Switches, and Hubs, and Components Thereof*, Inv. No. 337-TA-574, Order No. 27 at 4 (May 24, 2007) (“termination of litigation under these circumstances is generally in the public interest”); *Certain Semiconductor Chips and Products Containing Same*, Inv. No. 337-TA-753, Order No. 62 at 2-3 (February 22, 2012) (granting joint motion to partially terminate investigation on grounds that termination of the investigation based on the agreement

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Moreover, termination of this Investigation as to the Fujitsu Ten Respondents pursuant to the Agreements will not have any 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 pursuant to 19 C.F.R. § 210.21(b).

Counsel for the Parties have consulted with the other Respondents and with Commission Investigative Staff Attorney regarding this motion. The other Respondents do not oppose the motion. Commission Investigative Attorney will provide the position of the Office of Unfair Import Investigations after reviewing these papers in more detail.

For the foregoing reasons, the Parties respectfully request that the Administrative Law Judge grant this motion and issue an initial determination terminating this Investigation with respect to the Fujitsu Ten Respondents only based on the accompanying Agreements.

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would have no adverse impact on the public interest); *Certain Video Analytics Software, Systems, Components Thereof, and Product Containing Same*, Inv. No. 337-TA-795, Order No. 19 at 1-2 (February 23, 2012) (granting joint motion to terminate, and noting that “[t]he Commission has stated that ‘in the absence of extraordinary circumstances, termination of the investigation will be readily granted to a complainant during the prehearing stage of an investigation.’”) (citations omitted).

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