

MEMSTECH WILL APPEAL ITC JUDGE'S DECISION

Mems Technology Berhad ("MemsTech") announced on January 15, 2009 that an Administrative Law Judge with the U.S. International Trade Commission ("ITC") has issued his Initial Determination in the ITC investigation based on Knowles Electronics LLC's complaint.

In his Initial Determination, the Administrative Law Judge recommended that Knowles' request for a limited exclusion order barring MemsTech from directly importing certain silicon microphones into the United States be granted.

The Administrative Law Judge's Initial Determination is subject to review by the ITC. MemsTech believes that the Initial Determination is erroneous and intends to file a petition seeking review by the ITC. Based on the evidence presented during the investigation, MemsTech strongly believes that the Final Determination by the ITC, which is now due to be issued no later than April 14, 2009, will be in MemsTech's favor. If necessary, the ITC's Final Determination can be appealed to the United States Court of Appeals for the Federal Circuit.

"We are very disappointed in the Administrative Law Judge's decision and we will appeal the case aggressively," said K. Sooriakumar, Chief Executive Officer of MemsTech. "We believe the Administrative Law Judge's decision invalidating one claim of one of the two asserted patents is correct, but incomplete because we believe the evidence showed that all of the asserted claims are invalid and not infringed. Although this matter is important to MemsTech, the scope of the ITC investigation is very limited and does not impact our customers' ability to import downstream products into the U.S. that contain MemsTech's silicon microphones."

The ITC's Office of Unfair Import Investigations, an independent party to the litigation representing the public interest, supported MemsTech in the ITC investigation by urging the Administrative Law Judge to find no violation of the ITC statute.

"MemsTech's microphones are protected by its own intellectual property. MemsTech has demonstrated its leadership and innovation, and respects other's intellectual property. MemsTech's innovation is evidenced by the fact that the U.S. Department of Commerce has granted it a license to import other sensitive technological products into the United States. We are confident that we will ultimately prevail in the ITC matter," said Srin Naidu, MemsTech's U.S. Executive Director.

MemsTech designs and manufactures MEMS based products, as a true variety based supplier in the MEMS industry. The products include: pressure sensors, accelerometers, thermopile assembly services, thermopile arrays, binary lens, and silicon acoustic products. The company focuses on delivering products, services and technology to suit both customer design specific products, standard MEMS based products, MEMS manufacturing services and MEMS wafer fabrication services.

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