UNITED STATES COURT OF INTERNATIONAL TRADE

BEFORE: HON. DONALD C. POGUE, JUDGE

ENI TECHNOLOGY INC., Plaintiff, v. UNITED STATES, Defendant.	Consolidated Court No. 05-00170

JUDGMENT

Upon reading the parties moving papers for summary judgment and other papers in this proceeding, and upon due deliberation, it is hereby

ORDERED that defendant's classification of the subject RF generators is overruled and defendant's cross-motion for summary judgment is denied in its entirety,

ORDERED that plaintiff's motion for summary judgment is granted as to plaintiff's claim that the "principal use" of the subject RF generators is for plasma processing of semiconductors,

ORDERED that plaintiff's motion for summary judgment is denied as to plaintiff's claim that all of the subject RF generators are classifiable in subheading 8479.89.84, Harmonized Tariff Schedule of the United States ("HTSUS") (2002-2004).

ORDERED that each of the subject RF generators are classifiable in the HTSUS according to the method or methods of plasma processing in which they were programmed to perform as follows: Models ACG-GB-02 and GHW25A13DF3N01 in subheading 8466.93.85 which relates to etch processing , Model GHW12Z13DF2N01 in subheading 8543.90.10 which

relates to physical vapor deposition processing, and Models B-10013-00 and ACG-6B-01 in subheading 8479.89.84 which relates to chemical vapor deposition processing and/or undetermined or multiple processing methods, and

ORDERED that U.S. Customs and Border Protection shall reliquidate the subject entries and refund, with lawful interest, all duties paid on the subject RF generators.

/S/ Donald C. Pogue
Judge

Dated: New York, NY
This 16th day of Dec 2009