UNITED STATES INTERNATIONAL TRADE COMMISSION Washington, D.C. 20436

In the Matter of)	
CERTAIN FOAM MASKING TAPE)	Inv. No. 337-TA-528
))	

NOTICE OF COMMISSION DECISION NOT TO REVIEW FOUR INITIAL DETERMINATIONS TERMINATING THE INVESTIGATION AS TO CERTAIN RESPONDENTS ON THE BASIS OF A SETTLEMENT AGREEMENT AND/OR A CONSENT ORDER; ISSUANCE OF CONSENT ORDERS

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review four initial determinations ("IDs") issued by the presiding administrative law judge ("ALJ") in the above-captioned investigation terminating the investigation as to certain respondents on the basis of a settlement agreement and/or a consent order stipulation and consent order.

FOR FURTHER INFORMATION CONTACT: Michael Diehl, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3095. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at http://edis.usitc.gov. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: This patent-based section 337 investigation was instituted by the Commission based on a complaint filed by 3M Company, 3M Innovative Properties Company, and Mr. Jean Silvestre (collectively "3M"), which was subsequently amended. 70 Fed. Reg. 386 (Jan. 4, 2005). The complaint, as amended, alleged a violation of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation and/or sale within the United States after importation, of certain foam masking tape by reason of infringement of certain claims of U.S. Patents Nos. 4,996,092 ("the '092 patent") and

5,260,097 ("the '097 patent"). The notice of investigation named 13 respondents.

On February 4, 2005, 3M and several respondents filed three joint motions to terminate the investigation as to the moving respondents, each on the basis of a settlement agreement and/or a consent order.

In the first of the motions, 3M and respondent Chemicar USA, Inc. of Memphis, Tennessee ("Chemicar") sought to terminate the investigation as to Chemicar based on a settlement agreement and a consent order. The joint motion contains copies of the settlement agreement, consent order stipulation, and proposed consent order.

In the second motion, 3M and respondent E.M.M. International B.V. of Zwolle, the Netherlands ("E.M.M. Int'l") sought to terminate the investigation as to E.M.M. Int'l based on a consent order stipulation and a proposed consent order. The joint motion contains copies of the consent order stipulation and proposed consent order.

In the third motion, 3M and respondent EMM America, Inc. of Campton, New Hampshire ("EMM America") sought to terminate the investigation as to EMM America based on a settlement agreement and a consent order. The joint motion contains copies of the settlement agreement, consent order stipulation, and proposed consent order.

On February 11, 2005, 3M and respondents Indasa, S.A. of Aveiro, Portugal and Indasa U.S.A., Inc. of Passaic, New Jersey (collectively, "Indasa") filed a joint motion to terminate the investigation as to Indasa based on a settlement agreement and a consent order. The joint motion contains copies of the settlement agreement, consent order stipulation, and proposed consent order.

The Commission investigative attorney filed a combined response supporting the four joint motions.

On March 1, 2005, the ALJ issued four IDs (Orders Nos. 10-13), each granting one of the joint motions described above. No petitions for review were filed.

Having considered the four IDs, the Commission has determined not to review them. In making its determination, the Commission understands each consent order as providing that it will not be enforced as to any expired patent.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in section 210.42(h) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42(h)).

By order of the Commission.

/s/

Marilyn R. Abbott Secretary to the Commission

Issued: March 31, 2005