

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

In the Matter of

**CERTAIN R-134a COOLANT
(OTHERWISE KNOWN AS 1,1,1,2-
TETRAFLUOROETHANE)**

**Investigation No. 337-TA-623
Enforcement Proceeding**

**NOTICE OF INSTITUTION OF A FORMAL ENFORCEMENT PROCEEDING TO
ENFORCE A CONSENT ORDER**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has instituted a formal enforcement proceeding relating to the September 11, 2008, consent order issued in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Wayne Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3090. 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 at <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: The Commission instituted this investigation on December 31, 2007, based on a complaint filed by INEOS Fluor Holdings Ltd., INEOS Fluor Ltd., and INEOS Fluor Americas L.L.C. ("INEOS"). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain R-134a coolant (otherwise known as 1,1,1,2-tetrafluoroethane) by reason of infringement of various claims of United States Patent No. 5,744,658. Complainants subsequently added allegations of infringement with regard to United States Patent Nos. 5,382,722 and 5,559,276. The complaint named two respondents, Sinochem Modern Environmental Protection Chemicals (Xi'an) Co., Ltd. and Sinochem Ningbo Ltd. Two additional respondents were subsequently added: Sinochem Environmental Protection Chemicals (Taicang) Co., Ltd. and Sinochem (U.S.A.) Inc.

On August 18, 2008, respondents moved for partial termination of the investigation based on the entry of a consent order specific to respondents' "old" process. On August 20, 2008, the administrative law judge issued an ID granting the motion and terminating the investigation with respect to the "old" process. On September 11, 2008, the Commission issued notice of its decision not to review the ID and issued the subject consent order.

On December 12, 2008, INEOS filed a complaint, requesting that the Commission institute a formal enforcement proceeding under Commission Rule 210.75 to investigate an alleged violation of the consent order relating to the "old" process. The complaint named a single respondent, Sinochem Environmental Protection Chemicals (Taicang) Co. Ltd. ("Sinochem (Taicang)").

The Commission has determined to institute a formal enforcement proceeding to determine whether Sinochem (Taicang) is in violation of the Commission's consent order in the above-captioned investigation, and what, if any, enforcement measures are appropriate.

The following entities were named as parties to the formal enforcement proceeding: (1) complainants INEOS Fluor Holdings Ltd., INEOS Fluor Ltd., and INEOS Fluor Americas L.L.C., (2) respondent Sinochem Environmental Protection Chemicals (Taicang) Co. Ltd., and (3) a Commission investigative attorney to be designated by the Director, Office of Unfair Import Investigations.

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 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: February 18, 2009