

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

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In the Matter of)	
)	Inv. No. 337-TA-528
CERTAIN FOAM MASKING TAPE)	
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**NOTICE OF COMMISSION DECISION NOT TO REVIEW TWO INITIAL
DETERMINATIONS EACH TERMINATING THE INVESTIGATION AS TO A
RESPONDENT ON THE BASIS OF 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 two initial determinations (“IDs”) issued by the presiding administrative law judge (“ALJ”) in the above-captioned investigation, each terminating the investigation as to a respondent on the basis of a 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. Patent Nos. 4,996,092 and 5,260,097. The notice of investigation, as amended, named 15 respondents.

On May 10, 2005, respondent Boss Auto Import, S.A. (“Boss Auto”) filed a motion to terminate the investigation as to itself based on a consent order. On May 19, 2005, the IA filed a response in support of the motion. Complainant 3M did not file a response to the motion. On May 24, 2005, the ALJ issued an ID (Order No. 29) granting the motion. No petitions for review were filed.

On May 12, 2005, 3M and respondent Continental Marketing International (“CMI”) filed a joint motion to terminate the investigation as to CMI based on a consent order. On May 23, 2005, the IA filed a response in support of the motion. On May 24, 2005, the ALJ issued an ID (Order No. 34) granting the joint motion. No petitions for review were filed.

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.

Marilyn R. Abbott
Secretary to the Commission

Issued: June 10, 2005