

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

_____)
In the Matter of)

)
CERTAIN RUBBER ANTIDEGRADANTS,)
COMPONENTS THEREOF, AND)
PRODUCTS CONTAINING SAME)
_____)

Inv. No. 337-TA-533

NOTICE OF COMMISSION DECISION NOT TO REVIEW
AN INITIAL DETERMINATION THAT COMPLAINANT HAS MET THE ECONOMIC
PRONG OF THE DOMESTIC INDUSTRY REQUIREMENT

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 the presiding administrative law judge's ("ALJ's") initial determination ("ID")(Order No. 28) that complainant has met the economic prong of the domestic industry requirement 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 the ALJ's ID and all other nonconfidential 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: The Commission instituted this section 337 investigation on March 29, 2005, based on a complaint filed by Flexsys America LP ("Flexsys"). 70 *Fed. Reg.* 15885 (March 29, 2005). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain rubber antidegradants, components thereof, and products containing same that infringe claims 30 and 61

of U.S. Patent No. 5,117,063, claims 7 and 11 of U.S. Patent No. 5,608,111, and claims 1, 32, and 40 of U.S. Patent No. 6,140,538. The complaint and notice of investigation named five respondents. The investigation was subsequently terminated as to two respondents.

On October 13, 2005, the ALJ issued an initial determination (Order No. 28) granting Flexsys' motion to for summary determination that it had met the economic prong of the domestic industry requirement. No petitions for review were filed.

On consideration of the subject ID and the relevant portions of the record, the Commission has determined not to review the subject ID.

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 sections 210.42-.45 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.42-.45).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: November 1, 2005