UNITED STATES INTERNATIONAL TRADE COMMISSION Washington, D.C.

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In the Matter of)	
)	
CERTAIN RUBBER ANTIDEGRADANTS,)	
COMPONENTS THEREOF, AND)	Inv. No. 337-TA-533
PRODUCTS CONTAINING SAME)	
)	

NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO ONE RESPONDENT ON THE BASIS OF A SETTLEMENT AGREEMENT AND CONSENT ORDER; ISSUANCE OF CONSENT ORDER

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. 4) terminating the above-captioned investigation as to respondent Vilax Corporation ("Vilax") on the basis of a settlement agreement and consent order.

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, including respondent Vilax.

On May 3, 2005, Flexsys and Vilax jointly moved, pursuant to Commission rules 210.21(b) and 210.21(c), for termination of this investigation as to Vilax on the basis of a settlement agreement and consent order. On May 11, 2005, an amended proposed consent order was filed. On May 12, 2005, the Commission investigative attorney filed a response in support of the motion. On May 13, 2005, respondents Sinorgchem Co., Shandong; Korea Kumho Petrochemical Co., Ltd.; and Sovereign Chemical Company filed a response in which they stated that they did not object to termination of Vilax from the investigation but objected for the record to certain statements in the settlement agreement relating to infringement, invalidity, and enforceability of the involved patents, asserting that such statements should have no binding effect on them in this investigation. On May 13, 2005, the ALJ issued the subject ID granting the joint motion. No petitions for review of the ID were filed.

On consideration of the subject ID and the relevant portions of the record, the Commission has determined (1) not to review the subject ID and (2) to issue the consent order.

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 210.21(b)-(c) and 210.42-.45 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.21(b)-(c), 210.42-.45).

By order of the Commission.

Marilyn R. Abbott Secretary to the Commission

Issued: June 10, 2005