

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 AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO TWO
RESPONDENTS ON THE BASIS OF A SETTLEMENT AGREEMENT AND A
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 an initial determination (“ID”) issued by the presiding administrative law judge (“ALJ”) in the above-captioned investigation terminating the investigation as to two respondents on the basis of a settlement agreement and 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. Patents Nos. 4,996,092 and 5,260,097. The notice of investigation named 13 respondents.

On March 11, 2005, 3M and respondents Saint-Gobain Abrasives, Inc. of Worcester, Massachusetts and Saint-Gobain Abrasifs (France) of Conflans-Saint-Honorine, France (collectively “Saint-Gobain”) filed a joint motion to terminate the investigation as to Saint-Gobain based on a settlement agreement and a consent order. On March 23, 2005, the Commission investigative attorney filed a response in support of the motion.

On March 24, 2005, the ALJ issued an ID (Order No. 21) granting the joint motion. No petition for review was 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: April 19, 2005