

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 September 1, 2005, the ALJ issued an initial determination (Order No. 18) granting Flexsys' motion for summary determination dismissing the affirmative defense of patent misuse raised by KKPC, one of the three respondents remaining in the investigation. KKPC has petitioned for review of Order No. 18; Flexsys and the Commission investigative attorney oppose the petition.

On consideration of the subject ID, the petition for review and oppositions thereto, 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

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