

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

In the Matter of

**CERTAIN BULK WELDING WIRE
CONTAINERS AND COMPONENTS
THEREOF AND WELDING WIRE**

Investigation No. 337-TA-686

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING THE INVESTIGATION
AS TO RESPONDENT HYUNDAI WELDING CO., LTD.**

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”) (Order No. 18) of the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation as to respondent Hyundai Welding Co., Ltd. on the basis of a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Jia Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-4737. 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 at <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 investigation on September 8, 2009, based on a complaint filed by The Lincoln Electric Company of Cleveland, Ohio and Lincoln Global, Inc. of City of Industry, California (collectively, “Lincoln”). 74 *Fed. Reg.* 46223 (Sept. 8, 2009). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain bulk welding wire containers and components thereof and welding wire by reason of infringement of certain claims of United

States Patent Nos. 6,260,781; 6,648,141; 6,708,864; 6,913,145; 7,309,038; 7,398,881; and 7,410,111. *Id.* The amended complaint named the following respondents: Atlantic China Welding Consumables, Inc., of Sichuan, China (“ACWC”); The ESAB Group, Inc. of Florence, South Carolina (“The ESAB Group”); Hyundai Welding Co., Ltd., of Seoul, Korea (“Hyundai”); Kiswel Co., Ltd. of Seoul, Korea (“Kiswel”); and Sidergas SpA, of Ambrogio (Verona) Italy (“Sidergas”). 74 *Fed. Reg.* 61707 (Nov. 25, 2009).

On November 19, 2009, complainants Lincoln and respondent Hyundai jointly moved to terminate the investigation as to Hyundai based upon a confidential settlement agreement. Respondents ACWC, The ESAB Group, Kiswel, and Sidergas (“Non-Settling Respondents”) filed a response stating that they cannot take a position on the motion until they are provided an unredacted copy of the confidential settlement agreement between Lincoln and Hyundai. The Commission investigative attorney supported Lincoln and Hyundai’s joint motion and did not support the Non-Settling Respondents’ request.

On December 1, 2009, the ALJ issued an ID (Order No. 18) granting the joint motion and denying the Non-Settling Respondents’ request. No petitions for review were filed. The Commission has determined not to review the 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 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: December 16, 2009