

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

**In the Matter of**

**CERTAIN BUFFER SYSTEMS AND  
COMPONENTS THEREOF USED IN  
CONTAINER PROCESSING LINES**

**Investigation No. 337-TA-609**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW  
AN INITIAL DETERMINATION FINDING THAT THE ECONOMIC PRONG  
OF THE DOMESTIC INDUSTRY REQUIREMENT IS SATISFIED**

**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. 22) of the presiding administrative law judge (“ALJ”) in the above-captioned investigation finding that the economic prong of the domestic industry requirement of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, is satisfied.

**FOR FURTHER INFORMATION CONTACT:** Michael K. Haldenstein, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3041. 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 July 5, 2007, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based on a complaint filed on May 31, 2007, by Sidel Participations of France, Sidel Canada Inc. of Canada, and Sidel Inc. of Norcross, Georgia. Complainants supplemented their complaint on June 18, 2007. The respondents named in the complaint are Kronos AG and KHS AG of Germany;

Krones Inc. of Franklin, Wisconsin; and KHS USA, Inc. of Waukesha, Wisconsin. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain buffer systems and components thereof used in container processing lines by reason of infringement of U.S. Patent No. 6,168,005. The complaint further alleges that a domestic industry exists in the United States as required by subsection (a)(2) of section 337. The complainants request that the Commission issue a general exclusion order and cease and desist orders.

On February 20, 2008, complainants filed a motion pursuant to Commission rule 210.18 for summary determination that they satisfy the economic prong of the domestic industry requirement contained in section 337(a)(3). Two respondents filed a joint opposition to the motion. The Commission investigative attorney supported the motion to the extent it was based upon section 337(a)(3)(B).

The ALJ issued the subject ID on April 2, 2008, finding that complainants had satisfied section 337(a)(3)(B) of the economic prong of the domestic industry requirement. No petitions for review of the ID were filed. The Commission has determined not to review the ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

/s/  
Marilyn R. Abbott  
Secretary to the Commission

Issued: April 25, 2008