

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

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