

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

In the Matter of

**CERTAIN DEVICES HAVING
ELASTOMERIC GEL AND
COMPONENTS THEREOF**

Investigation No. 337-TA-732

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
INITIAL DETERMINATIONS TERMINATING INVESTIGATION AS TO ELEVEN
RESPONDENTS ON THE BASIS OF CONSENT ORDER STIPULATIONS
AND CONSENT ORDERS; ISSUANCE OF CONSENT ORDERS**

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 initial determinations (“IDs”) (Order Nos. 9, 10, and 13) of the presiding administrative law judge (“ALJ”) in the above-captioned investigation terminating the investigation as to eleven respondents on the basis of consent order stipulations and consent orders.

FOR FURTHER INFORMATION CONTACT: Mark B. Rees, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone (202) 205-3116. 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, SW, Washington, DC 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 August 4, 2010, based on the complaint, as supplemented, of Interactive Life Forms, LLC of Austin, Texas (“ILF”). *75 Fed. Reg.* 47027 (Aug. 4, 2010). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain devices having elastomeric gel and components thereof by reason of infringement of certain claims of U.S. Patent No. 5,782,818 and U.S. Patent No. 5,807,360. The complaint also alleges the existence of an industry in the United States as required by subsection

(a)(2) of section 337 and requests issuance of an exclusion order and cease and desist orders. The complaint originally named twenty six business entities as respondents, eight of which have been terminated from the investigation based upon consent order stipulations and consent orders approved by the ALJ in three unreviewed IDs (Order Nos. 4, 6, and 8), and an additional eleven of which are the subject of the pending IDs: E.T.C., Inc. d/b/a Eldorado Trading Company, Inc. (“Eldorado”), Gigglesworld Corporation (“Gigglesworld”), Joe Enterprises (“Joe Enterprises”), and LFP, Inc. and LFP Internet Group, LLC (“LFP”) (Order No. 9); Direct Advantage Values Enterprise, Inc. (“DAVE”), Sawhorse Enterprises, Inc. (“Sawhorse”), Nalpac Enterprises, Ltd. d/b/a Nalpac, Ltd. (“Nalpac”), and Shenzhen Shaki Industrial Co., Ltd. (“Shenzhen”) (Order No. 10); Web Merchants Inc. (“WMI”), Nanma Manufacturing Co., Ltd. (“Nanma”), and W.T.F.N. d/b/a Holiday Products (“WTFN”) (Order No. 13).

By motions filed on August 20, 23, and 25 and September 2 and 7, 2010, ILF sought termination of the investigation as to Eldorado, Gigglesworld, Joe Enterprises, LFP, DAVE, Sawhorse, Nalpac, Shenzhen, WMI, Nanma, and WTFN, based on consent order stipulations and consent orders. The Commission investigative attorney filed a combined response in support of the motions on September 9, 2010. No objections were filed.

The ALJ issued the subject IDs on September 23 and 28 and October 1, 2010, respectively, in which he finds that each consent order stipulation complies with Commission rule 210.21 and that each consent order closely parallels the corresponding stipulation. He also finds that termination as to these parties will not be contrary to the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or U.S. consumers’ interests, and further that the public interest favors the proposed resolution. He therefore granted each motion.

No petitions for review of the subject IDs were filed. The Commission has determined not to review the subject IDs.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and Commission rules 210.21, 210.42, 19 C.F.R. §§ 210.21, 210.42.

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: October 25, 2010