

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-415]

Certain Mechanical Lumbar Supports and Products Containing Same; Notice of Commission Determination not to Review a Final Initial Determination Finding no Violation of Section 337

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the final initial determination (ID) issued by the presiding administrative law judge (ALJ) on June 29, 1999, finding no violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in the above-captioned investigation. Accordingly, the Commission has terminated the investigation with a finding of no violation of section 337.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3104. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation of allegations of unfair acts in violation of section 337 in the importation and sale of certain mechanical lumbar supports on September 29, 1998. 63 FR 51949. The complaint alleged that five respondents had infringed two claims of U.S. Letters Patent 5,518,294 (the '294 patent) held by complainant McCord Winn Textron, Inc. (Textron) of Manchester, New Hampshire. The notice of investigation named the following respondents: Schukra Manufacturing Inc. and Schukra North America, Ltd., both of Canada, Schukra Berndorf GmbH of Austria, Schukra Automobil-Erstausstattungs GmbH, Germany, and Schukra U.S.A. of Plymouth, Michigan. On January 11, 1999, the Commission determined not to review an ID adding Advantage Technologies, Inc. of Plymouth, Michigan as a respondent. An evidentiary hearing was held March 22-26, 1999.

On June 29, 1999, the presiding ALJ issued her final ID, finding no violation of section 337, based on her finding that

respondents were not infringing the asserted patent claims. On July 12, 1999, complainant petitioned for review of the claim construction and infringement issues. Also on that date, respondents filed a contingent petition for review of the issues of patent validity and unenforceability to be considered in the event that the Commission reviewed the claim construction and infringement issues. The Commission investigative attorney (IA) did not file a petition for review. On July 19, 1999, complainant, respondents, and the IA filed responses to the petitions for review.

Having reviewed the record in this investigation, including the parties' written submissions, the Commission determined not to review the ID or ALJ Order No. 41.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and section 210.42 of the Commission's rules of practice and procedure, 19 CFR § 210.42.

Copies of the public version of the ID, and all other nonconfidential 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.

Issued: August 16, 1999.

By order of the Commission.

Donna R. Koehnke,
Secretary.

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-851
(Preliminary)]

Synthetic Indigo From China

Determination

On the basis of the record¹ developed in the subject investigation, the United States International Trade Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from China of synthetic indigo, provided for in subheadings 3204.15.10, 3204.15.40, and 3204.15.80 of the Harmonized Tariff

¹The record is defined in § 207.2(f) of the Commission's rules of practice and procedure (19 CFR 207.2(f)).

Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Commencement of Final Phase Investigation

Pursuant to § 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase notice of scheduling which will be published in the **Federal Register** as provided in § 207.21 of the Commission's rules upon notice from the Department of Commerce (Commerce) of an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Background

On June 30, 1999, a petition was filed with the Commission and Commerce by Buffalo Color Corporation, Parsippany, NJ, and the United Steelworkers of America, AFL-CIO/CLC, alleging that an industry in the United States is materially injured and threatened with material injury by reason of LTFV imports of synthetic indigo from China. Accordingly, effective June 30, 1999, the Commission instituted antidumping investigation No. 731-TA-851 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of July 8, 1999 (64 FR 36921). The conference was held in Washington, DC, on July 22, 1999, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to