

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN CONNECTING DEVICES
("QUICK CLAMPS") FOR USE WITH
MODULAR COMPRESSED AIR
CONDITIONING UNITS, INCLUDING
FILTERS, REGULATORS, AND
LUBRICATORS ("FRL'S") THAT ARE
PART OF LARGER PNEUMATIC
SYSTEMS AND THE FRL UNITS THEY
CONNECT**

Investigation No. 337-TA-587

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION OF THE ADMINISTRATIVE LAW JUDGE FINDING NO
VIOLATION OF SECTION 337; TERMINATION OF THE INVESTIGATION**

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") issued by the presiding administrative law judge ("ALJ") determining that there is no violation of section 337 of the Tariff Act of 1930.

FOR FURTHER INFORMATION CONTACT: Mark B. Rees, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 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, 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 November 13, 2006, based on a complaint filed by Norgren, Inc. ("Norgren") of Littleton, Colorado. 71 *Fed. Reg.* 66193 (Nov. 13, 2006). An amended complaint was filed on October 25, 2006. A supplement to the complaint was filed on November 1, 2006. The amended 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 devices for modular compressed air conditioning units and the FRL units they connect by reason of infringement of claims 1-9 of U.S. Patent No. 5,372,392 (“the ‘392 patent”). The amended complaint also alleged that a domestic industry exists with regard to the ‘392 patent under subsection (a)(2) of section 337. The amended complaint named SMC Corporation of Japan; SMC Corporation of America of Indianapolis, Indiana (collectively, “SMC”); AIRTAC of China; and MFD Pneumatics (“MFD”) of Chicago, Illinois as the respondents and requested a limited exclusion order and a cease and desist order. On July 13, 2007, the Commission determined not to review an ID terminating the investigation with respect to MFD and AIRTAC on the basis of a consent order stipulation and consent order.

On February 13, 2008, the ALJ issued his final ID finding no violation of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337). Specifically, the ALJ found that there had been an importation of SMC’s accused products and that none of the accused products infringe the asserted claims of the ‘392 patent. He also found that the asserted claims are not invalid due to obviousness. He further found that Norgren satisfies the domestic industry requirement with respect to the ‘392 patent. On February 25, 2008, the ALJ issued a recommended determination on remedy and bonding in the event the Commission reversed his finding of no violation of section 337.

On February 25, 2008, Norgren and SMC each filed a separate petition for review of the ID. The Commission Investigative Attorney (“IA”) did not file a petition for review. On March 3, 2008, Norgren and SMC filed responses in opposition to each other’s petitions for review, and the IA filed her response in opposition to both petitions.

On March 5, 2008, the Commission determined to extend the deadline for determining whether to review the ID by 14 days, *i.e.*, until April 14, 2008.

Having examined the record of this investigation, including the ALJ’s final ID and the submissions of the parties, the Commission has determined not to review the ALJ’s determination and has terminated this investigation with a finding of no violation.

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 210.42-45 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42-45).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: April 14, 2008