

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

In the Matter of

**CERTAIN SORTATION SYSTEMS,
PARTS THEREOF, AND PRODUCTS
CONTAINING SAME**

Inv. No. 337-TA-460

ORDER

The Commission concluded the above-referenced investigation in January 2003, and after finding a violation under section 337, issued a limited exclusion order. The Federal Circuit affirmed the Commission's determination on May 3, 2004. *Vanderlande Industries v. International Trade Commission*, 366 F.3d 1311 (Fed. Cir. 2004).

SK Daifuku Corporation ("SKDC") served a motion to intervene in the above-referenced investigation on parties to the investigation on August 13, 2004, but did not file the motion with the Commission until October 14, 2004. SKDC argues that it seeks intervention so that it can be added to the protective order in the investigation and have access to discovery made of record by the parties in the investigation. Vanderlande Industries, a Netherlands based company that was a respondent in the Commission investigation, filed an opposition to the SKDC's motion on August 30, 2004. On September 8, 2004, SKDC also filed a motion for leave to file a reply to Vanderlande's opposition. The Investigative Attorney ("IA") opposed SKDC's motion on October 26, 2004.

19 U.S.C. § 1337(n)(1) prohibits the disclosure of confidential information submitted to the Commission in section 337 investigations without the consent of the party submitting the information. In addition, the protective order issued in the above-referenced investigation provides that the information obtained under the order is to be used solely for purposes of the investigation. While 28 U.S.C. § 1659 contains an explicit exception to the prohibition, the exception provided for in the statute does not apply here.

Accordingly, it is hereby ORDERED THAT:

- (1) SK Daifuku's Motion for Intervention is denied.
- (2) SK Daifuku's Motion for leave to file a reply is denied.
- (3) The Secretary will serve this order on the parties to this investigation and SK Daifuku.

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: December 10, 2004