

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN FOAM MASKING TAPE

Inv. No. 337-TA-528

NOTICE OF INVESTIGATION

AGENCY: U.S. International Trade Commission

ACTION: Institution of investigation pursuant to 19 U.S.C. §1337

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on November 24, 2004, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. §1337, on behalf of 3M Company, 3M Innovative Properties Company, both of St. Paul, Minnesota, and Jean Silvestre of Hamoir, Belgium. An amended complaint was filed on December 13, 2004. The amended complaint alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain foam masking tape by reason of infringement of claims 1-4, 7-10, 13, 16-21 and 23-24 of U.S. Patent No. 4,996,092, and claims 1, 3, 4, 6-8, 10-11, 13, 14 and 16 of U.S. Patent No. 5,260,097. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The amended complaint and its exhibits, except for any confidential information contained therein, are 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., Room 112, Washington, D.C. 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 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>.

FOR FURTHER INFORMATION CONTACT: Steven R. Pedersen, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2781.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2004).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on December 22, 2004, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain foam masking tape by reason of infringement of one or more of claims 1-4, 7-10, 13, 16-21 and 23-24 of U.S. Patent No. 4,996,092, or claims 1, 3, 4, 6-8, 10-11, 13, 14 and 16 of U.S. Patent No. 5,260,097, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are –

3M Company
3M Corporate Headquarters, 3M Center
St. Paul, Minnesota 55144

3M Innovative Properties Company
3M Corporate Headquarters, 3M Center
St. Paul, Minnesota 55144

Mr. Jean Silvestre
Grand Enclos 2
4180 Hamoir
Belgium

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Boss Auto Import, S.A.
Avenida del Valles, 28
08440 Cardedeu, Barcelona
Spain

Chemicar USA, Inc.
670 New York Street
Memphis, Tennessee 38104

EMM America, Inc.
349 Owl Street
Campton, New Hampshire 03223

E.M.M. International B.V.
Marsweg 59
8013 PE Zwolle
Netherlands

Indasa, S.A.
Zona Industrial de Aveiro
Lote 46, P.O. Box 3005
3801-903, Aveiro
Portugal

Indasa U.S.A., Inc.
9 Falstrom Court
Passaic, New Jersey 07055

Intertape Polymer Corporation
3647 Cortez Road West
Bradenton, Florida

IPG Administrative Services, Inc.
3647 Cortez Road West
Bradenton, Florida 34210

Intertape Polymer Group, Inc.
110 E. Montee de Liesse
Montreal, Quebec
Canada, H4T 1N4

Saint-Gobain Abrasifs (France)
Rue de L'Ambassadeur
BP8
78702 Conflans-Saint-Honorine
France

Saint-Gobain Abrasives, Inc.
1 New Bond Street
Worcester, Massachusetts 01606

Transtar Autobody Technologies, Inc.
2040 Heiserman Drive
Brighton, Michigan 48114

Vosschemie GmbH
Esinger Steinweg 50
D-25436 Uetersen
Germany

- (c) Steven R. Pedersen, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Charles E. Bullock is designated as the presiding administrative law judge.

A response to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d) and 210.13(a), such response will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting the response to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter a final determination containing such findings, and may result in the

issuance of a limited exclusion order or cease and desist order or both directed against the respondent.

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: December 28, 2004