

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

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**In the Matter of**

**CERTAIN FOAM MASKING TAPE**  
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) **Inv. No. 337-TA-528**  
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**NOTICE OF COMMISSION DECISION NOT TO REVIEW TWO INITIAL DETERMINATIONS, ONE TERMINATING THE INVESTIGATION AS TO ONE RESPONDENT ON THE BASIS OF A SETTLEMENT AGREEMENT AND A CONSENT ORDER, AND THE OTHER TERMINATING A RESPONDENT ON THE BASIS OF A CONSENT ORDER ALONE; 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 two initial determinations (“IDs”) issued by the presiding administrative law judge (“ALJ”) in the above-captioned investigation, one terminating the investigation as to one respondent on the basis of a settlement agreement and a consent order, and the other terminating a respondent on the basis of a consent order alone.

**FOR FURTHER INFORMATION CONTACT:** Michael Diehl, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3095. 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 (<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:** This patent-based section 337 investigation was instituted by the Commission based on a complaint filed by 3M Company, 3M Innovative Properties Company, and Mr. Jean Silvestre (collectively “3M”), which was subsequently amended. *70 Fed. Reg.* 386 (Jan. 4, 2005). The complaint, as amended, alleged a violation of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation and/or sale within the United States after importation, of certain foam masking tape

by reason of infringement of certain claims of U.S. Patents Nos. 4,996,092 (“the ‘092 patent”) and 5,260,097 (“the ‘097 patent”). The notice of investigation named 13 respondents.

On February 18, 2005, 3M and respondent Vosschemie GmbH (“Vosschemie”) of Uetersen, Germany filed a joint motion to terminate the investigation as to Vosschemie on the basis of a consent order. On February 25, 2005, 3M and respondent Transtar Autobody Technologies, Inc. (“Transtar”) of Brighton, Michigan filed a joint motion to terminate the investigation as to Transtar on the basis of a settlement agreement and a consent order. The Commission investigative attorney filed a combined response supporting the two joint motions.

On March 7, 2005, the ALJ issued two IDs (Orders Nos. 17 & 18), each granting one of the joint motions described above. No petitions for review were filed.

Having considered the two IDs, the Commission has determined not to review them. In making its determination, the Commission understands that neither consent order will be enforced as to any expired patent.

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

By order of the Commission.

Marilyn R. Abbott  
Secretary to the Commission

Issued: April 4, 2005