

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

In the Matter of

**CERTAIN COMPOSITE WEAR
COMPONENTS AND WELDING PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-644

**NOTICE OF COMMISSION DETERMINATION TO ADOPT A
RECOMMENDED DETERMINATION GRANTING IN PART COMPLAINANTS'
MOTION FOR ATTORNEY'S FEES AND SANCTIONS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to adopt a recommended determination ("RD") (Order No. 27) of the presiding administrative law judge ("ALJ") granting in part complainants' motion for attorney's fees and sanctions.

FOR FURTHER INFORMATION CONTACT: Jia Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-4737. 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 April 25, 2008, based on a complaint filed by Magotteaux International S/A and Magotteaux Inc. (collectively, "Magotteaux"). 73 *Fed. Reg.* 22431 (Apr. 25, 2008). The complaint, as supplemented, 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 composite wear components and welding products containing the same that infringe several claims of U.S. Patent No. RE39,998. The complaint named Fonderie Acciaiere Rioale S.P.A. ("FAR") and as well as AIA Engineering Ltd. and Vega Industries (collectively, "AIAE") as respondents. FAR has since been terminated from the investigation on the basis of a settlement agreement, leaving AIAE as the remaining respondents.

On May 27, 2009, Magotteaux moved for attorney's fees and sanctions against AIAE. On June 1, 2009, AIAE filed an opposition to Magotteaux's motion. On June 5, 2009, the Commission investigative attorney ("IA") filed a response supporting Magotteaux's motion in part. On July 17, 2009, the ALJ issued the subject RD (Order No. 27) granting Magotteaux's motion in part. Of the total amount of attorney's fees requested by Magotteaux in their motion, the ALJ recommended that the Commission grant Magotteaux only those fees it incurred in preparing and filing an April 13, 2009 motion for default and its response to the IA's March 27, 2009 motion for default.

With respect to the specific amount of fees relating to the aforementioned motions for default, the ALJ recommended that a more detailed billing record may be necessary to support Magotteaux's requested amount. On October 2, 2009, Magotteaux filed a second supplemental submission to its motion which provided support for the requested amount.

The Commission has determined to grant Magotteaux's motion in part as recommended by the RD. The Commission, however, has determined to reduce the specific amount of attorney's fees requested by Magotteaux.

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 sections 210.25 and 210.33 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.25 and 210.33).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: April 28, 2010