

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

In the Matter of

**CERTAIN BULK WELDING WIRE
CONTAINERS AND COMPONENTS
THEREOF AND WELDING WIRE**

Investigation No. 337-TA-686

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW INITIAL
DETERMINATIONS GRANTING COMPLAINANTS' UNOPPOSED MOTIONS FOR
PARTIAL 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") of the presiding administrative law judge ("ALJ") granting complainants' unopposed motion to terminate the investigation as to respondent Atlantic China Welding Consumables, Inc. (Order No. 31) or a second ID granting complainants' unopposed motion to terminate the investigation as to U.S. Patent No. 7,309,038 (Order No. 33).

FOR FURTHER INFORMATION CONTACT: Mark B. Rees, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3042. 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 September 8, 2009, based on a complaint filed by The Lincoln Electric Company of Cleveland, Ohio and Lincoln Global, Inc. of City of Industry, California (collectively, "Lincoln"). *74 Fed. Reg.* 46223 (Sept. 8, 2009). The 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 bulk welding wire containers and components thereof and welding wire by reason of infringement of certain claims of United States Patent Nos. 6,260,781 ("the '781 patent"); 6,648,141 ("the '141 patent"); 6,708,864;

6,913,145 (“the ‘145 patent”); 7,309,038 (“the ‘038 patent”); 7,398,881 (“the ‘881 patent”); and 7,410,111 (“the ‘111 patent”). *Id.* The amended complaint named the following respondents: Atlantic China Welding Consumables, Inc., of Sichuan, China (“Atlantic”); The ESAB Group, Inc. of Florence, South Carolina; Hyundai Welding Co., Ltd., of Seoul, Korea (“Hyundai”); Kiswel Co., Ltd. of Seoul, Korea (“Kiswel”); and Sidergas SpA, of Ambrogio (Verona) Italy. 74 *Fed. Reg.* 61706 (Nov. 25, 2009).

On November 12, 2009, the ALJ granted Lincoln’s unopposed motion to terminate the investigation as to the ‘141, ‘145, ‘881, and ‘111 patents. Order No. 12 (unreviewed). On December 1, 2009, he granted Lincoln’s and Hyundai’s joint motion to terminate the investigation as to Hyundai based on a settlement agreement. Order No. 18 (unreviewed). On December 15, 2009, the ALJ granted Lincoln’s unopposed motion to terminate the investigation as to the ‘781 patent. Order No. 22 (unreviewed). On January 4, 2010, he granted Lincoln’s and Kiswel’s joint motion to terminate the investigation as to Kiswel based on a settlement agreement. Order No. 27 (unreviewed).

On January 11 and 12, 2010, respectively, the ALJ issued Order Nos. 31 and 33. Order No. 31 granted Lincoln’s unopposed motion to terminate the investigation as to respondent Atlantic. Order No. 33 granted Lincoln’s unopposed motion to terminate the investigation as to the ‘038 patent.

No petitions for review of either subject ID were filed. The Commission has determined not to review the subject IDs.

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.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: January 27, 2010