

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN OPAQUE POLYMERS

Investigation No. 337-TA-883

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN
INITIAL DETERMINATION EXTENDING THE TARGET DATE
BY APPROXIMATELY ONE MONTH**

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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 24) extending the target date for completion of the above-captioned investigation from January 19, 2015 to February 20, 2015.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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 TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 21, 2013, based on a complaint filed by the Dow Chemical Company of Midland, Michigan, and by Rohm and Haas Company and Rohm and Haas Chemicals LLC, both of Philadelphia, Pennsylvania (collectively, "Dow"). 78 *Fed. Reg.* 37571 (June 21, 2013). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended 19 U.S.C. § 1337, by reason of the importation into the United States, the sale for importation, and the sale within the United States after importation of certain opaque polymers that infringe certain claims of four United States patents. The notice of institution named five respondents: Organik Kimya San. ve Tic. A.Ş. of Istanbul, Turkey; Organik Kimya Netherlands B.V. of Rotterdam-Botlek, Netherlands; Organik Kimya US, Inc. of Burlington, Massachusetts; Turk International LLC of Aptos, California; and Aalborz Chemical LLC d/b/a All Chem of Grand Rapids, Michigan (collectively,

“Organik Kimya”). The complaint and notice of investigation have since been amended to add allegations of misappropriation of trade secrets. 78 Fed. Reg. 71643 (Nov. 29, 2013).

On May 19, 2014, Dow filed a motion for default and other sanctions against Organik Kimya. On May 21, 2014, Organik Kimya filed a motion to terminate based upon a consent order. Dow and Organik Kimya opposed each other’s motion. On July 8-9, 2014, the ALJ conducted a hearing on the pending motions.

The current target date is January 19, 2015, with the final ID scheduled to have been due on September 19, 2014. See Order No. 10 (Nov. 18, 2013), *not reviewed*, Notice (Dec. 13, 2013). On September 15, 2014, the ALJ issued the subject ID (Order No. 24), extending the target date by approximately one month, to February 20, 2015, with the final ID to be due by October 20, 2014. The ID explains that the extra time was necessary in view of the disputes regarding how to terminate the investigation, which present “novel issues of law and complex issues of fact,” and in view of the ALJ’s schedule. Order No. 24 at 3.

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

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 Part 210 of the Commission’s Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: October 10, 2014