

**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 TERMINATING THE INVESTIGATION AS TO
TWO ASSERTED PATENTS AND TWO RESPONDENTS**

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. 29) terminating the above-captioned investigation as to two asserted patents and two respondents.

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 (collectively, "Organik Kimya"); Turk International LLC of Aptos, California ("Turk"); and Aalborz Chemical LLC d/b/a All Chem of

Grand Rapids, Michigan (“Aalborz”). 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 December 13, 2013, the Commission determined not to review an initial determination (Order No. 11) terminating the investigation with respect to two patents. Two patents—U.S. Patent Nos. 6,020,435 and 6,252,004—remained within the scope of the investigation.

On October 20, 2014, the ALJ issued an ID (Order No. 27) granting a default judgment against the Organik Kimya respondents on Dow’s claim of trade secret misappropriation. On October 30, 2014, Dow filed an unopposed motion to withdraw the amended complaint as to the two remaining asserted patents and as to Turk and Aalborz (including as to trade secret misappropriation). On November 3, 2014, the ALJ granted the motion as the subject ID (Order No. 29). The ID found that partial termination is in the public interest. Order No. 29 at 2.

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.

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton
Secretary to the Commission

Issued: December 1, 2014