

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN INTERMEDIATE BULK
CONTAINERS**

Investigation No. 337-TA-638

**NOTICE OF DECISION NOT TO REVIEW AN INITIAL DETERMINATION
TERMINATING THE INVESTIGATION AS TO RESPONDENT NOVUS
INTERNATIONAL, INC.**

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. 3) granting the joint motion of complainants and one respondent to terminate the investigation with respect to that respondent.

FOR FURTHER INFORMATION CONTACT: Eric Frahm, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3107. 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 March 10, 2008, based on a complaint filed by Schutz Container Systems Inc. of North Branch, New Jersey and Protechna, S.A. of Switzerland (collectively, "Schutz"), alleging 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, and the sale within the United States after importation of certain intermediate bulk containers by reason of infringement of certain claims of United States Patent Nos. 4,909,387; 5,253,777; and 5,673,630. 73 *Fed. Reg.* 13919 (March 14, 2008). The

complaint named Shanghai Kingtainer Packaging Container, Co., Ltd. of China and Novus International, Inc. of St. Louis, Missouri (“Novus”) as respondents.

On April 2, 2008, Schutz and Novus jointly moved to terminate the investigation with respect to Novus, based on a settlement agreement between them. The Commission investigative attorney supported the joint motion.

On April 28, 2008, the ALJ issued an ID (Order No. 3) granting the joint motion to terminate the investigation with respect to Novus. No petitions for review of this ID were filed. Having examined the record of this investigation, the Commission has determined not to review the ALJ’s 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 section 210.42 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: May 13, 2008