

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

**In the Matter of**

**CERTAIN OPAQUE POLYMERS**

**Investigation No. 337-TA-883**

**NOTICE OF COMMISSION DECISION TO EXTEND THE DATE  
FOR DECIDING WHETHER TO REVIEW AN INITIAL DETERMINATION OF  
DEFAULT 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 extend the date for determining whether to review an initial determination (“ID”) (Order No. 27) by the presiding administrative law judge (“ALJ”) finding respondents in default and ordering sanctions until December 16, 2014.

**FOR FURTHER INFORMATION CONTACT:** Clark S. Cheney, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2661. 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: U.S. Patent Nos. 6,020,435; 6,252,004; 7,435,783; and 7,803,878. 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; and 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 were 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 U.S. Patent Nos. 7,435,783; and 7,803,878.

On May 19, 2014, Dow filed a motion for default and other sanctions against Organik Kimya for discovery abuse. On July 8-9, 2014, the ALJ conducted a hearing on the pending motions. On October 20, 2014, the ALJ issued an ID on sanctions (Order No. 27) finding Organik Kimya in default, under Commission Rule 210.42(c), and ordering monetary sanctions jointly and severally against Organik Kimya and its counsel. Organik Kimya is represented by Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, of Washington, DC (“Finnegan”), and by Ömür Yarsuvat (“Yarsuvat”), an attorney in Istanbul, Turkey.

On October 30, 2014, Dow filed an unopposed motion to withdraw the amended complaint as to the two remaining asserted patents, U.S. Patent Nos. 6,020,435 and 6,252,004, and to withdraw all allegations against Turk and Aalborz. On November 3, 2014, the ALJ granted the motion in an ID (Order No. 29), and on December 1, 2014, the Commission determined not to review the ID. Accordingly, the only remaining respondents in the investigation are the Organik Kimya respondents and the only remaining issues are Dow’s claims based on trade secret misappropriation and alleged discovery abuse associated with those claims.

On October 28, 2014, Organik Kimya filed a petition with the Commission for review of the sanctions ID (Order No. 27). The same day, Finnegan and Yarsuvat filed separate motions before the Commission to intervene in the investigation for the purpose of disputing joint and several liability for the monetary sanction. Finnegan and Yarsuvat also filed petitions for review of the sanctions ID contingent upon the grant of intervention.

Under Commission Rule 210.43(d), the Commission shall decide whether to grant Organik Kimya’s petition for review of the sanctions ID within 30 days after service of the ID or by such other time as the Commission may order. The Commission has determined to extend the date for deciding whether to review the ID until December 16, 2014.

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 11, 2014