

date if no additional claimants come forward.

Dated: September 24, 1999.

Francis P. McManamon,  
Departmental Consulting Archeologist,  
Manager, Archeology and Ethnography  
Program.

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## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-417]

### Certain Code Hopping Remote Control Systems, Including Components and Integrated Circuits Used Therein; Notice of a Commission Determination Not To Review an Initial Determination Terminating the Investigation on the Basis of a Settlement Agreement

AGENCY: 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's") initial determination ("ID") granting a joint motion to terminate the above-captioned investigation on the basis of a settlement agreement.

**FOR FURTHER INFORMATION CONTACT:** Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone (202) 205-3152. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on December 30, 1998, based on a complaint by Microchip Technology Incorporated ("Microchip") alleging that respondents Chamberlain Group, Inc. ("Chamberlain") and Sears, Roebuck and Co. ("Sears") violated section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by importing, selling for importation, or selling within the United States after importation certain code hopping remote control systems, including components and integrated circuits used therein, that infringe claims of Microchip's U.S. Letters Patent 5,517,187 ('187 patent). Microchip alleged that Sears sells the

accused devices manufactured abroad by Chamberlain.

On August 1, 1999, Microchip and Chamberlain entered into a settlement agreement, which grants to Chamberlain a nonexclusive license for the '187 patent at issue, and provides for the settlement of this investigation and a companion action pending before the U.S. District Court for the Northern District of Illinois. On August 4, 1999, Microchip and respondents Chamberlain and Sears filed the joint motion to terminate the investigation. The Commission investigative attorney ("IA") supported the joint motion.

On August 25, 1999, the ALJ issued an ID (Order No. 10) granting the motion to terminate the investigation. The ALJ noted that the parties, in accordance with Commission rules, had stated that there were no other agreements concerning the subject matter of this investigation. The ALJ further noted that all of the parties, including the IA, had argued that termination of the investigation would pose no threat to the public interest, which would in fact be advanced by private resolution of this dispute. No party petitioned for review of the subject ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and Commission rule 19 CFR 210.42. Copies of the public version of the ALJ's ID and all other nonconfidential 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, SW, Washington, DC 20436, telephone 202-205-2000.

By order of the Commission.

Issued: September 23, 1999.

**Donna R. Koehnke,**  
Secretary.

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## INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-857-858  
(Preliminary)]

### Certain Paintbrushes From China and Indonesia

#### Determinations

On the basis of the record<sup>1</sup> developed in the subject investigations, the United

<sup>1</sup>The record is defined in § 207.2(f) of the Commission's rules of practice and procedure (19 CFR 207.2(f)).

States International Trade Commission determines,<sup>2</sup> pursuant to section 733(a) of the Tariff Act of 1930,<sup>3</sup> that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports of synthetic filament paintbrushes from China,<sup>4</sup> and imports of natural bristle and synthetic filament paintbrushes from Indonesia,<sup>5</sup> that are alleged to be sold in the United States at less than fair value (LTFV).

#### Background

On August 2, 1999, a petition was filed with the Commission and the Department of Commerce by the Paintbrush Trade Action Coalition (PATAC) whose member firms include EZ Paint Corp., St. Francis, WI; Bestt Liebco, Philadelphia, PA; The Wooster Brush Co., Wooster, OH; Purdy Corp., Portland, OR; and TruServ Manufacturing, Cary, IL, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of synthetic filament

<sup>2</sup>Commissioner Crawford voting in the affirmative with respect to imports of the subject merchandise from China.

<sup>3</sup>19 U.S.C. 1673b(a).

<sup>4</sup>The products covered by the investigation concerning China include all paintbrushes and paintbrush heads that are used to apply paint, stain, varnish, shellac, or any other type of protective coating, other than natural bristle paintbrushes and paintbrush heads that are classifiable under statistical reporting number 9603.40.4040 of the Harmonized Tariff Schedule of the United States (HTS). The scope includes paintbrushes and paintbrush heads with a blend of natural bristle and synthetic filaments, provided that synthetic filaments comprise over 50 percent of the total filler material in the finished paintbrush or paintbrush head. The merchandise subject to this investigation is classifiable under statistical reporting number 9603.40.4060 of the HTS. Excluded from the scope are artists' brushes classified under statistical reporting numbers 9603.30.2000, 9603.30.4000, or 9603.30.6000 of the HTS, or other non-paintbrush products classified under statistical reporting number 9603.40.4060 of the HTS such as foam applicators, sponge applicators, or any other type of non-brush paint applicator.

<sup>5</sup>The products covered by the investigation concerning Indonesia include all paintbrushes and paintbrush heads that are used to apply paint, stain, varnish, shellac, or any other type of protective coating, including natural bristle paintbrushes and paintbrush heads, synthetic filament paintbrushes and paintbrush heads, and paintbrushes and paintbrush heads made with a blend of natural bristle and synthetic filament. The merchandise subject to this investigation is classifiable under statistical reporting numbers 9603.40.4040 and 9603.40.4060 of the HTS. Excluded from the scope are artists' brushes classified under statistical reporting numbers 9603.30.2000, 9603.30.4000, or 9603.30.6000 of the HTS, or other non-paintbrush products classified under statistical reporting number 9603.40.4060 of the HTS such as foam applicators, sponge applicators, or any other type of non-brush paint applicator.