

section 337 of the Tariff Act of 1930 by importing into the United States, selling for importation, and/or selling within the United States after importation certain HSP modems, software and hardware components thereof, and products containing the same by reason of infringement of claims 1–2 of U.S. Letters Patent 5,787,305, claims 1–4, 7–8, and 11–15 of U.S. Letters Patent 5,931,950, claims 1, 2, 10, and 15–17 of U.S. Letters Patent 4,841,561, and claims 1, 6–7, 10–12, and 15–19 of U.S. Letters Patent 5,940,459. On June 28, 2001, the Commission determined not to review an ID terminating the investigation as to respondent Smart Link on the basis of a settlement agreement.

On October 18, 2001, the ALJ issued his final ID in the investigation, and on December 6, 2001, the Commission determined to review portions of the final ID and to extend the target date for completion of the investigation by 45 days, to March 4, 2002. On Friday, February 22, 2002, complainant PCTEL and respondent ESS filed a joint motion to terminate the investigation based on a settlement agreement. The Commission determined to extend the target date for completion of the investigation until March 21, 2002, to allow sufficient time for the Commission investigative attorney to respond to the joint motion to terminate and for the Commission to rule on that motion. This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and 210.51(a) of the Commission's rules of practice and procedure, 19 CFR 210.51(a).

By order of the Commission.

Issued: March 4, 2002.

**Marilyn R. Abbott,**

*Secretary.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–448]

### In the Matter of: Certain Oscillating Sprinklers, Sprinkler Components, and Nozzles; Notice of Commission Issuance of Limited Exclusion Order and Termination of Investigation

**AGENCY:** International Trade  
Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has issued a limited

exclusion order and terminated the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:** Laurent de Winter, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–708–5452. Copies of the limited exclusion order 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. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at <http://dockets.usitc.gov/eol.public>. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation, which concerns allegations of unfair acts in violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain oscillating sprinklers, sprinkler components, and nozzles, on February 9, 2001. 66 FR 9721. In its complaint, filed on January 8, 2001, and amended on January 31, 2001, complainant L.R. Nelson Corp. (“Nelson”) alleged that Naan Sprinkler and Irrigation Systems, Inc., Watex International Co., Ltd., Lego Irrigation Equipment, Inc., Rain Bird Manufacturing Corporation, Gardena Krest + Kastner GmbH and Gardena's subsidiary Melnor, Inc., Ruey Ryh Enterprises Co., Ltd., Yuan Mei Corp., Amagine Garden Inc., Aqua Star Industries Inc., Le Yuan Industrial Co. Ltd., Shin Da Spurt Water of Garden Tool Co. Ltd., and Orbit Irrigation Products, Inc. violated section 337 through the importation, sale for importation, and/or sale within the United States after importation of certain oscillating sprinklers, sprinkler components, and nozzles by reason of infringement of certain claims of U.S. Letters Patent Nos. 6,036,117 (“the ‘117 patent”), 5,645,218 (“the ‘218 patent”), and 5,511,727 (“the ‘727 patent”).

On May 3, 2001, complainant Nelson moved, pursuant to 19 U.S.C. 1337(g)(1) and Commission rule 210.16, for an order to show cause why respondent Watex International Co., Ltd. (“Watex”) should not be found in default for

failing to respond adequately and properly to the amended complaint and notice of investigation, as required by Commission rule 210.13. The Commission investigative attorney (“IA”) supported complainant's motion to the extent that it requested an order to show cause against Watex. The presiding administrative law judge (“ALJ”) issued an ID (Order No. 4) on March 30, 2001, directing Watex to show cause why it should not be found in default. Watex did not respond to the show cause order.

On May 22, 2001, the ALJ issued an ID (Order No. 7) finding Watex in default pursuant to Commission rule 210.16, and ruling that it had waived its rights to appear, to be served with documents, and to contest the allegations at issue in the investigation. No petitions for review of the ID were filed. On June 12, 2001, the Commission determined not to review the ID, thereby allowing it to become the Commission's final determination.

On September 13, 2001, Nelson moved to withdraw all allegations related to the '117 patent from the investigation. No party responded to Nelson's motion and the IA supported the motion. On September 25, 2001, the ALJ issued an ID (Order No. 26) granting the motion to withdraw the allegations relating to the '117 patent, and on October 26, 2001, the Commission determined not to review that ID. This withdrawal terminated the investigation with respect to all respondents except Watex.

On October 1, 2001, Nelson filed a declaration seeking, pursuant to section 337(g)(1) and Commission rule 210.16(c)(1), entry of a limited exclusion order against Watex barring importation into the United States of Watex sprinklers infringing the claims in issue of the '218 and '727 patents. In its declaration, Nelson did not seek issuance of a cease and desist order against Watex. On December 11, 2001, the Commission issued a notice requesting briefing on the issues of remedy, public interest, and bonding. On January 10, 2002, Nelson, the IA, and Tekni-Plex, Inc., a purchaser of Watex sprinklers, submitted briefing on the issues of the public interest and bonding and proposed limited exclusion orders. No briefs were filed by any other person or government agency. Only the IA filed a reply brief.

Section 337(g)(1) of the Tariff Act of 1930 provides that the Commission shall presume the facts alleged in a complaint to be true, and upon request issue a limited exclusion order and/or cease and desist order if: (1) A complaint is filed against a person under section 337, (2) the complaint and

a notice of investigation are served on the person, (3) the person fails to respond to the complaint and notice or otherwise fails to appear to answer the complaint and notice, (4) the person fails to show good cause why it should not be found in default, and (5) the complainant seeks relief limited to that person. Such an order shall be issued unless, after considering the effect of such exclusion, the Commission finds that such exclusion should not be issued.

The Commission found that each of the statutory requirements for the issuance of a limited exclusion order was met with respect to defaulting respondent Watex. The Commission further determined that the public interest factors enumerated in section 337(g)(1) did not preclude the issuance of such relief. Finally, the Commission determined that bond under the limited exclusion order during the Presidential review period shall be in the amount of one hundred (100) percent of the entered value of the imported articles.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and § 210.16 of the Commission's rules of practice and procedure, 19 CFR 210.16.

By order of the Commission.

Issued: March 4, 2002.

**Marilyn R. Abbott,**  
*Secretary.*

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## INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-413 and 731-TA-913-916 and 918 (Final)]

### Stainless Steel Bar From France, Germany, Italy, Korea, and the United Kingdom

#### Determinations

On the basis of the record<sup>1</sup> developed in the subject investigations, the United States International Trade Commission determines, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. § 1671d(b)) (the Act), that an industry in the United States is materially injured by reason of imports from Italy of stainless steel bar, provided for in subheadings 7222.11.00, 7222.19.00, 7222.20.00, and 7222.30.00 of the Harmonized Tariff Schedule of the United States (HTS), that have been found by the Department of Commerce

to be subsidized by the Government of Italy.

The Commission also determines, pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)), that an industry in the United States is materially injured by reason of imports from France, Germany, Italy, Korea, and the United Kingdom of stainless steel bar, provided for in the HTS subheadings listed above, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

#### Background

The Commission instituted these investigations effective December 28, 2000, following receipt of a petition filed with the Commission and Commerce by Carpenter Technology Corp. (Wyomissing, PA); Crucible Specialty Metals (Syracuse, NY); Electralloy Corp. (Oil City, PA); Empire Specialty Steel, Inc. (Dunkirk, NY); Slater Steels Corp., Specialty Alloys Division (Fort Wayne, IN); and the United Steelworkers of America, AFL-CIO/CLC (Pittsburgh, PA). The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce certain imports of stainless steel bar from Italy were being subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and that certain imports of stainless steel bar from France, Germany, Italy, Korea, and the United Kingdom were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)).<sup>2</sup> Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of September 17, 2001 (66 FR 48063).<sup>3</sup> The hearing was held in Washington, DC, on January 17, 2002, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on February 28, 2002. The views of the Commission are contained in USITC Publication 3488 (February 2002), entitled *Stainless*

Steel Bar from France, Germany, Italy, Korea, and the United Kingdom: Investigation No. 701-TA-413 (Final) and Investigations Nos. 731-TA-913-916 and 918 (Final).

Issued: March 4, 2002.

By order of the Commission.

**Marilyn R. Abbott**

*Acting Secretary.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation 332-440]

### Probable Economic Effect of the Reduction or Elimination of U.S. Tariffs

**AGENCY:** International Trade Commission.

**ACTION:** Institution of investigation and scheduling of public hearing.

**EFFECTIVE DATE:** February 28, 2002.

**SUMMARY:** Following receipt of a request on February 11, 2002, from the United States Trade Representative (USTR), the Commission instituted investigation No. 332-440, Probable Economic Effect of the Reduction or Elimination of U.S. Tariffs, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

As requested by USTR, the Commission will provide advice as to the probable economic effect on U.S. industries producing like or directly competitive articles and on consumers of:

- Eliminating U.S. tariffs of 5 percent ad valorem or below on dutiable imports from all U.S. trading partners and reducing all other U.S. tariffs by 50 percent;
- Eliminating U.S. tariffs on all dutiable imports from all U.S. trading partners; and
- Eliminating U.S. tariffs on all dutiable imports from FTAA countries.

The import analysis will consider each article in chapters 1 through 97 of the Harmonized Tariff Schedule of the United States for which tariffs will remain after the United States fully implements its Uruguay Round tariff commitments. The import advice will be based on the 2002 Harmonized Tariff System nomenclature and 2000 trade data. The report will identify the five largest sources of dutiable imports (including import values) for each article under the scenarios identified above. The Commission will provide its advice on the effect of reduction or elimination of U.S. tariffs no later than August 9, 2002.

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> Investigation No. 731-TA-917 (Final), concerning stainless steel bar from Taiwan, was terminated effective January 23, 2002 (67 FR 4745, January 31, 2002), consequent to Commerce's final negative LTFV determination with respect to Taiwan (67 FR 3152, January 23, 2002).

<sup>3</sup> The Commission published notice of its revised schedule on November 20, 2001 (66 FR 58162).