

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-587]

### In the Matter of Certain Connecting Devices ("Quick Clamps") for Use With Modular Compressed Air Conditioning Units, Including Filters, Regulators, and Lubricators ("FRL's") That Are Part of Larger Pneumatic Systems and the FRL Units They Connect; Notice of Commission Decision Not To Review an Initial Determination of the Administrative Law Judge Finding No Violation of Section 337; Termination of the Investigation

**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 an initial determination ("ID") issued by the presiding administrative law judge ("ALJ") determining that there is no violation of section 337 of the Tariff Act of 1930.

**FOR FURTHER INFORMATION CONTACT:** Mark B. Rees, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3116. 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, SW., Washington, DC 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 November 13, 2006, based on a complaint filed by Norgren, Inc. ("Norgren") of Littleton, Colorado. 71 FR 66193 (Nov. 13, 2006). An amended complaint was filed on October 25, 2006. A supplement to the complaint was filed on November 1, 2006. The amended complaint alleged 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, or the sale within the

United States after importation of certain devices for modular compressed air conditioning units and the FRL units they connect by reason of infringement of claims 1-9 of U.S. Patent No. 5,372,392 ("the '392 patent"). The amended complaint also alleged that a domestic industry exists with regard to the '392 patent under subsection (a)(2) of section 337. The amended complaint named SMC Corporation of Japan; SMC Corporation of America of Indianapolis, Indiana (collectively, "SMC"); AIRTAC of China; and MFD Pneumatics ("MFD") of Chicago, Illinois as the respondents and requested a limited exclusion order and a cease and desist order. On July 13, 2007, the Commission determined not to review an ID terminating the investigation with respect to MFD and AIRTAC on the basis of a consent order stipulation and consent order.

On February 13, 2008, the ALJ issued his final ID finding no violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Specifically, the ALJ found that there had been an importation of SMC's accused products and that none of the accused products infringe the asserted claims of the '392 patent. He also found that the asserted claims are not invalid due to obviousness. He further found that Norgren satisfies the domestic industry requirement with respect to the '392 patent. On February 25, 2008, the ALJ issued a recommended determination on remedy and bonding in the event the Commission reversed his finding of no violation of section 337.

On February 25, 2008, Norgren and SMC each filed a separate petition for review of the ID. The Commission Investigative Attorney ("IA") did not file a petition for review. On March 3, 2008, Norgren and SMC filed responses in opposition to each other's petitions for review, and the IA filed her response in opposition to both petitions.

On March 5, 2008, the Commission determined to extend the deadline for determining whether to review the ID by 14 days, *i.e.*, until April 14, 2008.

Having examined the record of this investigation, including the ALJ's final ID and the submissions of the parties, the Commission has determined not to review the ALJ's determination and has terminated this investigation with a finding of no violation.

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 210.42-45 of the Commission's Rules of Practice and Procedure (19 CFR 210.42-45).

By order of the Commission.

Issued: April 14, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-59,649]

### Rowe Furniture, Inc., Including On-Site Leased Workers From Penske Logistics, Elliston, VA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Negative Determination Regarding Eligibility To Apply for Alternative Trade Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and a Negative Determination Regarding Eligibility to Apply for Alternative Trade Adjustment Assistance on July 25, 2006, applicable to workers of Rowe Furniture, Inc., Elliston, Virginia. The notice was published in the **Federal Register** on August 14, 2006 (71 FR 46518).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of upholstered living room furniture.

New information shows that leased workers of Penske Logistics were employed on-site at the Elliston, Virginia location of Rowe Furniture. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include leased workers of Penske Logistics working on-site at the Elliston, Virginia location of the subject firm.

The intent of the Department's certification is to include all workers employed at Rowe Furniture, Inc., Elliston, Virginia who were adversely affected by increased imports.

The amended notice applicable to TA-W-59,649 is hereby issued as follows:

All workers of Rowe Furniture, Inc., including on-site leased workers from Penske Logistics, Elliston, Virginia, who became