

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.


In the Matter of)

CERTAIN R-134a COOLANT)
(OTHERWISE KNOWN AS 1,1,1,2-)
TETRAFLUOROETHANE))

Investigation No. 337-TA-623
Remand

Notice To The Parties

The Remand Determination (RID) was filed on April 1, 2009. Attached are the title page, the conclusions of law and the order, which are not confidential and which form a portion of said determination. For receiving said RID, see Commission rules 210.6 and 210.7. Counsel for complainants, respondents and the staff received a copy of this notice on April 1, 2009.



Paul J. Luckern
Chief Administrative Law Judge

Issued: April 1, 2009

PUBLIC VERSION

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

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)	

Remand Determination

This is the administrative law judge's Remand Determination (RID) pursuant to the Commission Order of January 30, 2009. The administrative law judge, after a review of the record developed, finds inter alia and as found in the Final Initial and Recommended Determinations which issued on December 1, 2008 (ID), that there is jurisdiction and there is a violation of section 337 of the Tariff Act of 1930, as amended.

This is also the administrative law judge's Recommended Determination on remedy and bonding, pursuant to Commission rules 210.36(a) and 210.42(a)(1)(ii). As found in the ID should the Commission find a violation, the administrative law judge recommends the issuance of a limited exclusion order barring entry into the United States of products made by the process of asserted claim 1 of U.S. Patent No. 5,559,276 and that a bond be set in the amount of 100 percent of entered value of any products made from the infringing process during the Presidential review period.

V. CONCLUSIONS OF LAW

1. Respondents did not sufficiently raise the anticipation and obviousness arguments found in respondents' remand initial brief (RReBr) in their pre-hearing statement.
2. Assuming arguendo that respondents sufficiently raised the anticipation and obviousness arguments found in RReBr, said arguments have no merit.
3. As found in the Final Initial and Recommended Determinations which issued on December 1, 2008 (ID), respondents have not established that claim 1 of the '276 patent is invalid based on any ground.
4. As found in the ID, respondents have violated 19 U.S.C. § 1337 with regard to claim 1 of the '276 patent.
5. As recommended in the ID, if a violation is found the record supports issuance of a limited exclusion order barring entry into the United States of products made by the infringing process, and further supports the setting of a bond in the amount of 100 percent of entered value of any products made from the infringing process during the Presidential review period.

ORDER

Based on the foregoing, and the record as a whole including what was found in the ID, it is the administrative law judge's Remand Determination that there is a violation of section 337 in the importation into the United States, sale for importation, and sale within the United States after importation of products made by the accused process. It is also the administrative law judge's recommendation, as found in the ID, that should a violation be found a limited exclusion order should issue barring entry into the United States of products made from the infringing process, and that a bond should be set in the amount of 100 percent of entered value of any products made from the infringing process during the Presidential review period.

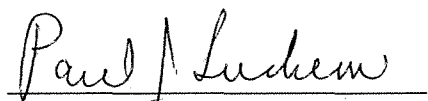
The administrative law judge hereby CERTIFIES to the Commission his Remand Determination. The briefs of the parties filed with the Secretary, are not certified, since they are already in the Commission's possession in accordance with Commission rules.

Further it is ORDERED that:

1. In accordance with Commission rule 210.39, all material heretofore marked in camera because of business, financial and marketing data found by the administrative law judge to be cognizable as confidential business information under Commission rule 201.6(a), is to be given in camera treatment continuing after the date this investigation is terminated.
2. Counsel for the parties shall have in the hands of the administrative law judge those portions of the final initial and recommended determinations which contain bracketed confidential business information to be deleted from any public version of said determinations, no later than April 10, 2009. Any such bracketed version shall not be served via facsimile on the administrative law judge. If no such bracketed version is received from a party, it will mean that

the party has no objection to removing the confidential status, in its entirety, from these initial and recommended determinations.

3. Pursuant to the Commission Order of January 30, 2009, the parties are invited to file written submissions on the remand determination within fourteen days after service of the determination and to file responses to the written submissions within seven days after service of the written submissions. Pursuant to said Order the parties should also address remedy, the public interest, and bonding in accordance with the Commission's notice of review issued with said Order.



Paul J. Luckern
Chief Administrative Law Judge

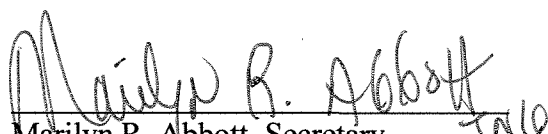
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CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **Notice To The Parties** was served upon Heidi E. Strain, Esq., Commission Investigative Attorney, and the following parties via first class mail and air mail where necessary on April 2, 2009.


Marilyn R. Abbott, Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

COUNSEL FOR COMPLAINANT INEOS FLUOR HOLDINGS LIMITED, INEOS FLUOR LIMITED AND INEOS FLUOR AMERICAS LLC:

Paul F. Brinkman, Esq.
Alston & Bird LLP
950 F Street, NW
Washington, DC 20004

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

FOR RESPONDENTS SINOCHEN MODERN ENVIRONMENTAL PROTECTION CHEMICALS (XI'AN) CO., LTD. OF CHINA AND SINO CHEM NINGBO LTD. OF CHINA:

George P. McAndrews, Esq.
Mcandrews Held & Malloy LTD.
500 West Madison Street
34th Floor
Chicago, IL 60661

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

CERTAIN R-134a COOLANT (OTHERWISE KNOWN AS 1,1,1,2-TETRAFLUOROETHANE)

**Investigation No. 337-TA-623
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RESPONDENTS:

Sinochem Environmental Protection Chemicals (Taicang)
Co., Ltd.
South Binjiang Road
Petrochemical Industrial Section
Taicang Port Development Zone
Taicang, Jiangsu 215433, China

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

Sinochem (U.S.A.) Inc.
1330 Post Oak Boulevard, Suite 2500
Houston, TX 77056

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

**CERTAIN R-134a COOLANT (OTHERWISE KNOWN
AS 1,1,1,2-TETRAFLUOROETHANE)**

**Investigation No. 337-TA-623
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PUBLIC MAILING LIST

Heather Hall
LEXIS-NEXIS
9443 Springboro Pike
Miamisburg, OH 45342

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

Kenneth Clair
Thomson West
1100 Thirteen Street, NW, Suite 200
Washington, DC 20005

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

(PARTIES NEED NOT SERVE COPIES ON LEXIS OR WEST PUBLISHING)