

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

In the Matter of

**CERTAIN BULK WELDING WIRE
CONTAINERS AND COMPONENTS
THEREOF AND WELDING WIRE**

Inv. Nos. 337-TA-686

**NOTICE REGARDING INITIAL DETERMINATION ON VIOLATION OF SECTION
337 AND RECOMMENDED DETERMINATION ON REMEDY AND BOND**

(July 29, 2010)

On this date, I issued an initial determination on violation of section 337 and recommended determination on remedy and bond in the above-referenced investigation. Below are the conclusions of law from said filing, which are a matter of public record. A complete public version of the Initial Determination and Recommended Determination on Remedy and Bond will be issued when all the parties have submitted their redactions and I have had an opportunity to review the redactions.

CONCLUSIONS OF LAW

1. The Commission has subject matter jurisdiction, *in rem* jurisdiction, and *in personam* jurisdiction.
2. There has been an importation of the accused ESAB bulk welding wire containers and components thereof and welding wire, which are the subject of the alleged unfair trade allegations.
3. There has been an importation of the accused Sidergas bulk welding wire containers and components thereof and welding wire, which are the subject of the alleged unfair trade

allegations.

4. An industry exists in the United States that exploits U.S. Pat. No. 6,708,864, as required by 19 U.S.C. § 1337(a)(2).

5. Claim 3 of U.S. Patent No. 6,708,864 is invalid pursuant to 35 U.S.C. § 102(b).


6. Claims 4, 6, 12, and 13 of U.S. Patent No. 6,708,864 are valid and enforceable.

7. None of the accused ESAB products infringe claims 3, 4, 6, 12, or 13 of U.S. Pat. No. 6,708,864.

8. None of the accused Sidergas products infringe claims 3, 4, 6, 12, or 13 of U.S. Pat. No. 6,708,864.

9. There is no violation of 19 U.S.C. § 1337(a)(1).

SO ORDERED.



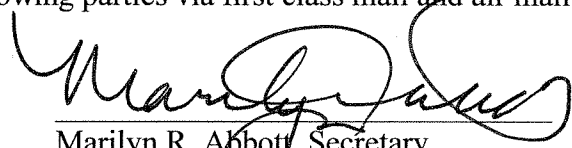
Robert K. Rogers, Jr.
Administrative Law Judge

**CERTAIN BULK WELDING WIRE
CONTAINERS AND COMPONENTS
THEREOF AND WELDING WIRE**

Inv. No. 337-TA-686

PUBLIC CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **ORDER** was served upon **Benjamin Levi, Esq.**, Commission Investigative Attorneys, and the following parties via first class mail and air mail where necessary on **JUL 29 2010**



Marilyn R. Abbott, Secretary
U.S. International Trade Commission
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PUBLIC CERTIFICATE OF SERVICE - PAGE 2

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