

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C. 20436

In the Matter of

CERTAIN RUBBER ANTIDEGRADANTS,  
COMPONENTS THEREOF, AND  
PRODUCTS CONTAINING SAME

Inv. No. 337-TA-533

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LIMITED EXCLUSION ORDER

Having reviewed the record in this investigation, including the submissions of the parties, the Commission has determined that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the unlawful importation, sale for importation and/or sale after importation of N-(1,3-dimethylbutyl)-N'-phenyl-p-phenylenediamine, also known as "6PPD," (1) by respondent Sinorgchem Co., Shandong ("Sinorgchem") by reason of infringement of claims 30 or 61 of U.S. Patent No. 5,117,063 ("the '063 patent"), or claims 7 or 11 of U.S. Patent No. 5,608,111 ("the '111 patent") and (2) by respondent Sovereign Chemical Company ("Sovereign") by reason of infringement of claim 61 of the '063 patent or claim 11 of the '111 patent. The Commission has also determined that the appropriate form of relief is a limited exclusion order, that the public interest factors enumerated in 19 U.S.C. § 1337(d) do not preclude issuance of the limited exclusion order, and that there should not be a bond during the Presidential review period.

Accordingly, the Commission hereby **ORDERS** that:

1. N-phenyl-p-phenylenediamine, also known as "4-aminodiphenylamine," "4-ADPA," or "PADA," made by a process covered by claim 30 of U.S. Patent No. 5,117,063 or claim 7 of U.S. Patent No. 5,608,111 that is manufactured abroad and/or imported by or on behalf of Sinorgchem, or any of its affiliated companies, parents, subsidiaries, or other related business entities, or its successors or assigns, is excluded from entry for consumption into the United States, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, for the remaining term of the patent, except under license of the patent owner or as provided by law.

2. N-(1,3-dimethylbutyl)-N'-phenyl-p-phenylenediamine, also known as "6PPD," that is made by a process covered by claim 61 of U.S. Patent No. 5,117,063 or claim 11 of U.S. Patent No. 5,608,111 that is manufactured abroad and/or imported by or on behalf of Sinorgchem or Sovereign, or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, are excluded from entry for consumption into the United States, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, for the remaining term of the patent, except under license of the patent owner or as provided by law.

3. Products that are excluded by paragraphs 1 or 2 of this Order are entitled to entry for consumption into the United States, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption,

without bond from the day after this Order is received by the United States Trade Representative as delegated by the President, 70 *Fed. Reg.* 43251 (July 21, 2005), and until such time as the United States Trade Representative notifies the Commission that this action is approved or disapproved but, in any event, not later than sixty (60) days after the date of receipt of this action.

4. When U.S. Customs and Border Protection ("Customs") is unable to determine by inspection whether N-phenyl-p-phenylenediamine, also known as "4-aminodiphenylamine," "4-ADPA," or "PADA" or N-(1,3-dimethylbutyl)-N'-phenyl-p-phenylenediamine, also known as "6PPD," falls within the scope of this Order, it may, in its discretion, accept a certification, pursuant to procedures specified and deemed necessary by Customs, from persons seeking to import said products that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraphs 1 or 2 of this Order. At its discretion, Customs may require persons who have provided the certification described in this paragraph to furnish such records or analyses as are necessary to substantiate the certification.

5. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to N-phenyl-p-phenylenediamine, also known as "4-aminodiphenylamine," "4-ADPA," or "PADA," or N-(1,3-dimethylbutyl)-N'-phenyl-p-phenylenediamine, also known as "6PPD,"

that is imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

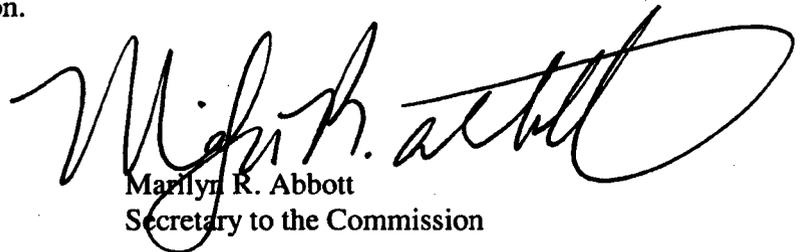
6. KKPC's motion to strike the three non-party submissions received on review and to strike Attachment 1 of complainant's initial review submission is denied as moot. KKPC's motion for leave to file a reply to complainant's response to its motion to strike is denied as moot.

7. The Commission may modify this Order in accordance with the procedures described in Rule 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

8. The Secretary shall serve copies of this Order upon each party of record in this investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and U.S. Customs and Border Protection.

9. Notice of this Order shall be published in the *Federal Register*.

By Order of the Commission.



Marilyn R. Abbott  
Secretary to the Commission

Issued: July 13, 2006