

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

In the Matter of

CERTAIN CASKETS

Investigation No. 337-TA-725

LIMITED EXCLUSION ORDER

The Commission has previously found Respondent Ataudes Aguilares, S. de R.L. de C.V., of Guadalajara, Mexico (“Ataudes Aguilares”), in default for failing to respond to a Notice of Investigation and a Complaint that alleged a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the unlawful importation and sale of certain caskets by reason of infringement of claims 1, 13, 27, and 44-53 of U.S. Patent No. 5,611,124 (“the ‘124 patent”); claims 1, 6, 8, 9, 16, 17, 19, and 21 of U.S. Patent No. 5,727,291 (“the ‘291 patent”); claims 1 and 2 of U.S. Patent No. 6,836,936 (“the ‘936 patent”); claims 1, 2, 5-8, 11, and 12 of U.S. Patent No. 6,976,294 (“the ‘294 patent”); and claims 1, 2, 4, and 5 of U.S. Patent No. 7,340,810 (“the ‘810 patent”).

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of caskets that are covered by one or more of claims 1, 13, 27, and 44-53 of the ‘124 patent; claims 1, 6, 8, 9, 16, 17, 19, and 21 of the ‘291 patent; claims 1 and 2 of the ‘936 patent; claims 1, 2, 5-8, 11, and 12 of the ‘294 patent; and claims 1, 2, 4, and 5 of the ‘810 patent, and that are manufactured abroad by or on behalf of, or

imported by or on behalf of, respondent Ataudes Aguilares ("Respondent").

The Commission has further determined that the public interest factors enumerated in 19 U.S.C. § 1337(g) do not preclude issuance of the limited exclusion order. Finally, the Commission has determined that the bond during the period of Presidential review shall be in the amount of 100% of the entered value of the articles in question.

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

1. Caskets covered by one or more of claims 1, 13, 27, and 44-53 of the '124 patent; claims 1, 6, 8, 9, 16, 17, 19, and 21 of the '291 patent; claims 1 and 2 of the '936 patent; claims 1, 2, 5-8, 11, and 12 of the '294 patent; and claims 1, 2, 4, and 5 of the '810 patent that are manufactured abroad or imported by or on behalf of Respondent, or any of its affiliated companies, parents, subsidiaries, or other related business entities, or its 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.

2. Notwithstanding paragraph 1 of this Order, the aforesaid products 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, under bond in the amount of 100% of the entered value of imported caskets, 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), 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.

3. At the discretion of U.S. Customs and Border Protection ("CBP") and pursuant to procedures it establishes, persons seeking to import caskets that are potentially subject to this

Order may be required to certify 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 paragraph 1 of this Order. At its discretion, CBP 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.

4. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to caskets that are 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.

5. 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.

6. The Commission 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 CBP.

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

By order of the Commission.



Marilyn R. Abbott
Secretary to the Commission

Issued: December 13, 2010

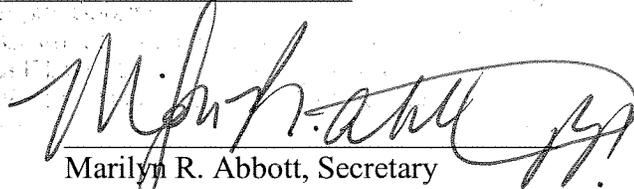
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CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **NOTICE OF COMMISSION ISSUANCE OF A LIMITED EXCLUSION ORDER AGAINST INFRINGING PRODUCTS OF RESPONDENT FOUND IN DEFAULT; TERMINATION OF INVESTIGATION** has been served by hand upon the Commission Investigative Attorney, Kevin G. Baer, Esq., and the following parties as indicated, on

December 13, 2010



Marilyn R. Abbott, Secretary
U.S. International Trade Commission
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Washington, DC 20436

On Behalf of Complainant Batesville Services, Inc.:

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- Via Hand Delivery
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Respondent:

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