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7020-02

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-883 (Rescission)]

Certain Opaque Polymers; Notice of Institution of Rescission Proceeding; Rescission of Remedial Orders; Termination of Rescission Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined to institute a rescission proceeding and rescind a limited exclusion order ("LEO") directed to Organik Kimya San. ve Tic. A.Ş of Istanbul, Turkey; Organik Kimya Netherlands B.V. of Rotterdam-Botlek, Netherlands; and Organik Kimya US, Inc. of Burlington, Massachusetts (collectively, "Organik Kimya") and a cease and desist order directed to Organik Kimya US, Inc (collectively, "the remedial orders"). The remedial orders are rescinded, and the rescission proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3427. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at *https://www.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 the underlying investigation on June 21, 2013, based on a complaint filed by the Dow Chemical Company of Midland, Michigan, and by Rohm and Haas Company and Rohm and Haas Chemicals LLC, both of Philadelphia, Pennsylvania (collectively, "Dow"). 78 FR 37571 (June 21, 2013). The

complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337) ("section 337"), by reason of the importation into the United States, the sale for importation, and the sale within the United States after importation of certain opaque polymers that infringe certain claims of U.S. Patent Nos. 6,020,435, 6,252,004 7,435,783, and 7,803,878. *Id.* The notice of investigation named Organik Kimya as the respondent. *Id.* The Office of Unfair Import Investigations did not participate in the investigation. *Id.* The complaint and notice of investigation were later amended to add allegations of misappropriation of trade secrets. *See* 78 FR 71643 (Nov. 29, 2013). The Commission later terminated the investigation as to the four asserted patents. *See* Order No. 11 (Nov. 21, 2013), *unreviewed by* Comm'n Notice (Dec. 13, 2013); Order No. 29 (Nov. 3, 2014), *unreviewed by* Comm'n Notice (Dec. 1, 2014).

On April 17, 2015, the Commission found Organik Kimya in default as a sanction for discovery abuse pursuant to section 337(h) (19 U.S.C. 1337(h)) and Commission Rules 210.16 and 210.33 (19 CFR 210.16 & 210.33). *See* 80 FR 22548-49 (Apr. 22, 2015). The Commission thereby determined that Organic Kimya violated section 337 based on the misappropriation of trade secrets and issued the remedial orders. *See id.*

On February 9, 2026, Dow and Organic Kimya filed a joint petition requesting that the Commission rescind the remedial orders based on a settlement reached between the parties. The petition includes a copy of the settlement agreement and the required statement that there are "no other agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation." The petition asserts that rescission is warranted based on changed conditions of fact and law stemming from the parties' settlement agreement that fully resolves the dispute between them concerning the subject matter of the underlying investigation. On February 10, 2026, the parties filed a redacted version of the petition and settlement agreement, and on February 20, 2026, the parties filed a revised redacted version. The Commission received no responses to the petition.

Having reviewed the petition, the Commission finds that the conditions which led to the issuance of the remedial orders no longer exist, and therefore, that granting the petition to rescind is warranted under section 337(k) (19 U.S.C. 1337(k)) and Commission Rule 210.76(a) (19 CFR 210.76(a)). Consistent with an order issued herewith, the Commission has determined to rescind the remedial orders issued in this investigation. The Commission finds that the settlement agreement constitutes changed circumstances pursuant to section 337(k)(1) and Commission Rule 210.76(a)(1) (19 CFR 210.76(a)(1)) warranting rescission as it fully resolves the dispute between Dow and Organik Kimya concerning the subject matter of this investigation. The Commission further finds that the petition complies with the procedural requirements of Commission Rule 210.76(a)(3) (19 CFR 210.76(a)(3)), and that granting the rescission is in the public interest.

The rescission proceeding is terminated.

The Commission vote for this determination took place on March 6, 2026.

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 Part 210 of the Commission's Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.

Issued: March 6, 2026.

Susan Orndoff,

Supervisory Attorney.

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