

Kudos). The finding of violation as to Kudos was based on adverse inferences drawn from Kudos' failure to cooperate in discovery. The ID found no violation as to respondents Taiwan Hopax Chemicals Manufacturing, Co., Ltd.; Yuen Foong Paper Co., Ltd.; Beautone Specialties Co., Ltd.; and Beautone Specialties Co. (collectively, Beautone).

On April 17, 1995, 3M, Beautone, and the Commission investigative attorney (IA) filed petitions for review of the ID. On April 27, 1995, they filed responses to each other's petitions. On May 23, 1995, the Commission determined to review the issues of (1) claim interpretation, (2) patent infringement by Beautone and Kudos, (3) patent validity under 35 U.S.C. §§ 102(f), 102(g), and 112, second paragraph, and (4) domestic industry. The Commission determined not to review the remainder of the ID. The Commission also determined to remand the ID to the ALJ for additional findings and for clarification of certain findings made in the ID concerning the issues under review.

Subsequent to remand of the ID, the investigation was reassigned to Judge Paul Luckern, who, on August 8, 1995, issued his ID on remand. 3M and Beautone filed petitions for review on August 18, 1995. 3M, Beautone, and the IA filed responses to the petitions. On September 22, 1995, the Commission determined not to review the remand ID, thereby resolving the issues of claim interpretation and validity under 35 U.S.C. § 112, and the validity of claims 1, 2, 4, and 5. The Commission determined not to review the ALJ's remand ID and requested written submissions on the issues of remedy, the public interest, and bonding. 60 *Fed. Reg.* 50215 (1995) (Sept. 28, 1995). On review the Commission determined that claims 7, 8, and 10 were not invalid under 35 U.S.C. §§ 102(f), 102(g); that Beautone did not infringe any of the '152 patent claims in issue; that Kudos infringed claims 1, 4, and 7, based on adverse inferences; and that there is a domestic industry.

Submissions on remedy, the public interest, and bonding were received from complainant 3M, respondent Beautone, and the IA. Complainant, respondents, and the IA also filed reply submissions on those issues.

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission made its determinations on the issues of remedy, the public interest, and bonding. The Commission determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed importation

of infringing microsphere adhesives, and products containing same, including repositionable notes and products containing repositionable notes, manufactured and/or imported by or on behalf of Kudos. The order applies to any of the affiliated companies, parents, subsidiaries, licensees, contractors, or other related business entities, or their successors or assigns of Kudos Finder Tape Industrial Ltd. and Kudos Finder Trading Co.

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

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and section 210.58 of the Commission's Interim Rules of Practice and Procedure (19 C.F.R. § 210.58) (1994).

Copies of the Commission order, the Commission opinion in support thereof, and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

By order of the Commission.

Issued: December 8, 1995.

Donna R. Koehnke,

Secretary.

[FR Doc. 95-30398 Filed 12-12-95; 8:45 am]

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## INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32704]

### East Cooper and Berkeley Railroad—Construction and Operation Exemption—in Berkeley County, SC

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of Exemption.

**SUMMARY:** The Commission exempts from the prior approval requirements of 49 U.S.C. 10901 the construction and operation by East Cooper and Berkeley Railroad (EC&B) of a 1.7-mile rail line running northwest from the terminus of

EC&B's line (milepost 14.8) near Wando, in Berkeley County, SC.

**DATES:** This exemption is effective on December 13, 1995. Petitions to reopen must be filed by January 2, 1996.

**ADDRESSES:** Send pleadings, referring to Finance Docket No. 32704, to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, D.C. 20423-0001; and (2) Petitioner's representative: David F. Groose, P.O. Box 279, Charleston, SC 29402-0279.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

### SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC NEWS & DATA, Inc., Interstate Commerce Commission Building, 1201 Constitution Avenue, N.W., Room 2229, Washington, D.C. 20423-0001. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services at (202) 927-5721.]

Decided: December 5, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioner Simmons.

Vernon A. Williams,  
Secretary.

[FR Doc. 95-30389 Filed 12-12-95; 8:45 am]

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[Finance Docket No. 32817]

### Pine Belt Southern Railroad Company, Inc.—Trackage Rights Exemption—The Western Railway of Alabama

The Western Railway of Alabama (WRA) has agreed to grant overhead trackage rights to Pine Belt Southern Railroad Company, Inc. (PBRR),<sup>1</sup> on WRA's line of railroad as follows: (1) that portion of WRA's Lafayette Line beginning at its point of switch at valuation Station (V.S.) 1005+80, WRA milepost XXB-107.37, and extending north 369 feet (0.07 miles) to the ownership point between WRA and PBRR opposite V.S. 1002+11.0, milepost XXB-107.29; and (2) that portion of WRA's main track beginning at the point of switch of the Lafayette Line at V.S. 1005+80, WRA milepost XXB-

<sup>1</sup> The overhead trackage rights between Opelika and Roanoke Junction, AL, will allow PBRR to route traffic between Opelika to Lafayette, AL (Lafayette Line), via a combination of lines purchased from Central of Georgia Railroad Company a wholly owned subsidiary of Norfolk Southern Railway Company, and trackage rights acquired from WRA.