

in support of the motion for temporary relief were filed on January 18, 1995. The complaint, as revised, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain salinomycin biomass and preparations containing same alleged to be manufactured abroad by a method covered by claim 2 of U.S. Letters Patent Re. 34,698 and alleged to incorporate "know-how" and improvements in breach of contract. The complaint further alleges that there exists an industry in the United States and that the domestic industry is being injured or threatened with injury by the imported accused products. The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and a permanent cease and desist order.

The motion for temporary relief requests that the Commission issue a temporary exclusion order and temporary cease and desist orders prohibiting the importation into and the sale within the United States after importation of salinomycin biomass and preparations containing same that infringe claim 2 of the '698 patent during the course of the Commission's investigation.

ADDRESSES: The nonconfidential complaint and motion for temporary relief are 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, SW., Room 112, Washington, DC 20436, telephone 202-205-1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

FOR FURTHER INFORMATION CONTACT: Teresa M.B. Martinez, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2015.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in § 210.10 of the Commission's final rules of practice and procedure. (59 FR 39020, 39043-44 (Aug. 1, 1994).) The authority for provisional acceptance of the motion for temporary relief is contained in § 210.58. (59 FR at 39062.)

SCOPE OF INVESTIGATION: Having considered the complaint and the motion for temporary relief, the U.S. International Trade Commission, on January 30, 1995, Ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation or the sale within the United States after importation of certain salinomycin biomass and preparations containing same made abroad by a process covered by claim 2 of U.S. Letters Patent Re. 34,698; and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) Pursuant to § 210.58 of the Commission's final rules of practice and procedure (59 FR 39020, 39062 (Aug. 1, 1994)), the motion for temporary relief under subsection (e) of section 337 of the Tariff Act of 1930, which was filed with the complaint, be provisionally accepted and referred to an Administrative Law Judge.

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—
Kaken Pharmaceutical Company, Ltd.,
2-28-8 Honkomagome, Bunkyo-ku,
Tokyo 113, Japan

(b) The respondents are the following companies alleged to be in violation of Section 337, and are the parties upon which the complaint and motion for temporary relief are to be served:

Hoechst Aktiengesellschaft,
Bruningstrasse 50, 65929 Frankfurt,
Germany
Hoechst Veterinar, Gesellschaft m.b.H.,
Feldstrasse 1a. 85716,
Unterschleissheim B., Munich,
Germany
Hoechst-Roussel Agri-Vet Co., Route
202-206 North, Sommerville, New
Jersey 08876-1258
Merck & Company, Inc., 1 Merck Drive,
P.O. Box 100, White House Station,
New Jersey 08889-0100

(c) Teresa M.B. Martinez, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW, Room 401-D, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(4) For the investigation and temporary relief proceedings instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint, the motion for temporary relief, and the notice of investigation must be submitted by the named respondent in

accordance with §§ 210.13 and 210.59 of the Commission's final rules of practice and procedure. (59 FR at 39045-46, 39062.) Pursuant to 19 CFR 201.16(d), as well as sections 210.13(a) and 210.59 of the Commission's final rules of practice and procedure (59 FR at 39045, 39062-63), such responses will be considered by the Commission if received not later than 10 days after the date of service of the complaint. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to the patent-based allegations in the complaint, to the motion for temporary relief, and to this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint, motion for temporary relief, and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: January 31, 1995.

By order of the Commission.

Donna R. Koehnke,
Secretary.

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INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32657]

Iron Road Railways Incorporated and Bangor and Aroostook Acquisition Corporation—Control Exemption—Bangor and Aroostook Railroad Company and Canadian American Railroad Company

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Commission, under 49 U.S.C. 10505, exempts from the prior approval requirements of 49 U.S.C. 11343-11345 the acquisition of control by Iron Road Railways Incorporated and Bangor and Aroostook Acquisition Corporation of two rail carriers, the Bangor and Aroostook Railroad Company and the Canadian American Railroad Company. The exemption is subject to standard labor protective conditions.