

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

In the Matter of

CERTAIN CASKETS

Inv. No. 337-TA-725

NOTICE OF INVESTIGATION

AGENCY: U.S. International Trade Commission

ACTION: Institution of investigation pursuant to 19 U.S.C. § 1337

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on June 4, 2010, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Batesville Services, Inc. of Batesville, Indiana. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain caskets by reason of infringement of certain claims of U.S. Patent No. 5,611,124 (“the ‘124 patent”); U.S. Patent No. 5,727,291 (“the ‘291 patent”); U.S. Patent No. 6,836,936 (“the ‘936 patent”); U.S. Patent No. 6,976,294 (“the ‘294 patent”); and U.S. Patent No. 7,340,810 (“the ‘810 patent”). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Kevin G. Baer, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2221.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission’s Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2010).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on July 1, 2010, 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 caskets that infringe 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 whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) 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:

Batesville Services, Inc.
One Batesville Boulevard
Batesville, Indiana 47006

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served:

Ataudes Aguilares, S. de R.L. de C.v.
Volcan Osorno 5829 C.P. 44250
Huentitan El Bajo
Guadalajara, Jal., Mexico

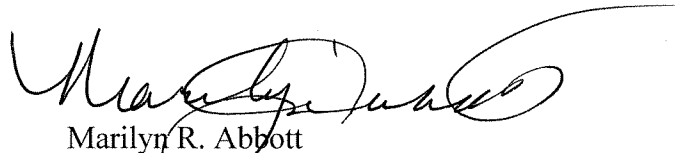
(c) The Commission investigative attorney, party to this investigation, is Kevin G. Baer, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission’s Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d)-(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in 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 and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.



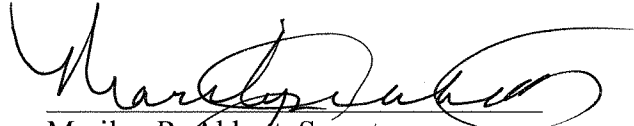
Marilyn R. Abbott
Secretary to the Commission

Issued: July 2, 2010

CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached NOTICE OF INVESTIGATION has been served by hand upon the Commission Investigative Attorney, Kevin G. Baer, Esq., and the following parties as indicated, on

July 2, 2010



Marilyn R. Abbott, Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

Complainant:

Batesville Services, Inc.
One Batesville Boulevard
Batesville, Indiana 47006

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

On Behalf of Complainant:

Gregory F. Ahrens, Esq.
WOOD, HERRON & EVANS, LLP
441 Vine Street, 2700 Carew Tower
Cincinnati, OH 45202

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

Respondent:

Ataudes Aguilares, S. de R.L. de C.v.
Volcan Osorno 5829 C.P. 44250
Huentitan El Bajo
Guadalajara, Jal., Mexico

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- INTERNATIONAL

Embassies:

Embassy of Mexico
1911 Pennsylvania Avenue, NW
Washington, DC 20006

- Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

Government Agencies:

Edward T. Hand, Chief
Foreign Commerce Section
Antitrust Division
U.S. Department of Justice
450 5th Street NW, Room 11000
Washington, DC 20530

- Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

U.S. Bureau of Customs and Border Protection
Intellectual Property Rights Branch
Mint Annex Building
799 9th Street, NW, 7th floor
Washington, DC 20229-1177

- Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

Elizabeth Kraus, Deputy Director
International Antitrust, Office of
International Affairs
Federal Trade Commission
600 Pennsylvania Avenue, Room 498
Washington, DC 20580

- Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

Richard Lambert, Esq.
Office of Technology Development Services
Dept. of Health & Human Services
National Institutes of Health
6610 Rockledge Drive, Room 2800, MSC 6606
Bethesda, MD 20892

- Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

July 2, 2010

Batesville Services, Inc.
One Batesville Boulevard
Batesville, IN 47006

Re: Certain Caskets
Inv. No. 337-TA-725

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Commission's Notice of Investigation is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "Marilyn R. Abbott", written over a circular stamp or seal.

Marilyn R. Abbott
Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

July 2, 2010

Gregory F. Ahrens, Esq.
Wood, Herron & Evans, LLP
441 Vine Street, 2700 Carew Tower
Cincinnati, OH 45202

Re: Certain Caskets
Inv. No. 337-TA-725

Dear Mr. Ahrens:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Commission's Notice of Investigation is enclosed.

Sincerely,

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Marilyn R. Abbott
Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

July 2, 2010

Ataudes Aguilares, S. De R.L. de C.v.
Volcan Osorno 5829 C.P. 44250
Huentitan El Bajo
Guadalajara, Jal., Mexico

Re: Certain Caskets
Inv. No. 337-TA-725

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Ataudes Aguilares, S. de R.L. de C.v. is a named respondent in this investigation.

We are hereby serving you with a copy of the Complaint and the Notice of Investigation issued in this matter. Enclosed is a copy of the Code of Federal Regulations.

Please note that the Notice requires a response to the allegations in the Complaint and the response must be received not later than twenty (20) days after the date of service of the Complaint. Failure to file a response may result in inferences being drawn against your interests.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marilyn R. Abbott".

Marilyn R. Abbott
Secretary

Enclosure:

1. Complaint
2. Notice of Investigation
3. Code of Federal Regulations



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

July 2, 2010

Embassy of Mexico
1911 Pennsylvania Avenue, NW
Washington, DC 20006

Re: Certain Caskets
Inv. No. 337-TA-725

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). One or more of the parties named in the investigation is located in Mexico.

Pursuant to Commission Rule 210.11(a)(3), we are hereby serving you with a copy of the Complaint filed in this investigation together with a copy of the Commission's Notice of Investigation.

Sincerely,

A handwritten signature in black ink, appearing to read "Marilyn R. Abbott", is written over a circular stamp or seal.

Marilyn R. Abbott
Secretary

Enclosure:

1. Complaint
2. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

July 2, 2010

Edward T. Hand, Chief
Foreign Commerce Section
Antitrust Division
U.S. Department of Justice
450 5th Street, NW – Room 11000
Washington, DC 20530

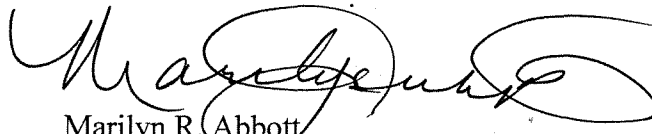
Re: Certain Caskets
Inv. No. 337-TA-725

Dear Mr. Hand:

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If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

Sincerely,



Marilyn R. Abbott
Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

July 2, 2010

U.S. Bureau of Customs and Border Protection
Intellectual Property Rights Branch
Mint Annex Building
799 9th Street, NW – 7th Floor
Washington, DC 20229-1177

Re: Certain Caskets
Inv. No. 337-TA-725

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Marilyn R. Abbott
Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

July 2, 2010

Elizabeth Kraus, Deputy Director
International Antitrust
Office of International Affairs
Federal Trade Commission
600 Pennsylvania Avenue, Room 498
Washington, DC 20580

Re: Certain Caskets
Inv. No. 337-TA-725

Dear Ms. Kraus:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Marilyn R. Abbott, Secretary at (202) 205-1802.

If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

Sincerely,

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Marilyn R. Abbott
Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

July 2, 2010

Richard Lambert, Esq.
Office of Technology Development Services
Department of Health & Human Services
National Institutes of Health
6610 Rockledge Drive, Room 2800
MSC 6606
Bethesda, MD 20892

Re: Certain Caskets
Inv. No. 337-TA-725

Dear Mr. Lambert:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Marilyn R. Abbott, Secretary at (202) 205-1802.

If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

Sincerely,

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Marilyn R. Abbott
Secretary

Enclosure:

1. Notice of Investigation