

## **International Trade Litigation and Policy Practice**

### **RECENT REPRESENTATIONS**

- Sony v. Fujifilm ITC Investigation, In the Matter of Certain Magnetic Tape Cartridges and Components Thereof, Investigation No. 337-TA-1058 (ITC 2018). We represent Sony in a multifront battle against Fujifilm arising from Fujifilm's anticompetitive conduct seeking to exclude Sony from the Linear Tape-Open magnetic tape market. LTO tape products are used to store large quantities of data by companies in a wide range of industries, including health care, education, finance and banking. Sony filed a complaint in the ITC seeking an exclusion order of Fujifilm's products based on its infringement of three Sony patents covering various aspects of magnetic data storage technology. The ALJ issued the initial determination on August 17, 2018 finding multiple Section 337 violations by Fujifilm.
- Our client faced a critical moment: the U.S. government announced that its customers would no longer be eligible to apply for importation of its goods. Our advice to the client – contrary to the convention wisdom – was not to accept that it would have to forego access to the U.S. market. Instead, we engaged with the relevant stakeholders to demonstrate that the situation faced by our client, and its customers, was neither legally necessary nor practically desirable. Our engagement worked. Not only are our client's customers eligible to seek importation of our client's goods, but the process to seek importation was substantially improved as well, thus facilitating the relationship between our client and its customers (both existing and potential).
- Bell Supply Company, LLC v. United States No. 1:14-cv-00066-CRK (Federal Circuit 2018). We represented U. S. Steel in a case involving an effort to escape tariffs on oil country tubular goods ("OCTG") from the People's Republic of China by "finishing" the product in a third country. We obtained a favorable reversal from the Federal Circuit of an adverse order from the Court of International Trade.
- We are advising a Fortune 10 company on the international trade law implications of the renegotiation of the North American Free Trade Agreement.
- Bell Supply Company, LLC v. United States and Boomerang Tube LLC, et al., Case No. 14-00066 (Federal Circuit 2017). We represent United States Steel Corporation in its appeal to reinstate Commerce's determination in its Final Scope Ruling and First Remand Determination that found green tubes and other unfinished OCTG are within the scope of AD and CVD orders, including when finished in other various countries.
- Husteel Co., Ltd., et al., v. United States, et al., and United States Steel Corporation, Case No. 16-2732 (Federal Circuit 2017). We represent United States Steel Corporation in its appeal of the CIT's procedurally improper remand of Commerce's Final Determination,

which had applied “as available” CV profit information to determine that the domestic market was injured by dumped OCTG goods from South Korea.

- Certain Corrosion Resistant Steel Products from Taiwan, Administrative Review No. A-583-856 (Department of Commerce 2017). We represent United States Steel Corporation in its request to review companies alleged to have sold subject merchandise into the United States at less than fair value.
- Certain Corrosion Resistant Steel Products from the Republic of Korea, Administrative Review No. A-580-878 (Department of Commerce 2017). We represent United States Steel Corporation’s interests in the administrative review of the largest producers and exporters of subject merchandise.
- Certain Corrosion Resistant Steel Products from the Republic of Korea, Administrative Review No. C-580-879 (Department of Commerce 2017). We represent United States Steel Corporation in petitioning Commerce and advocating that it continue to apply antidumping duty rates consistent with the as available statistics on samples of producers and exporters.
- Certain Corrosion-Resistant Steel Products from India, Administrative Review. A-533-863 (Department of Commerce 2017). We represent United States Steel Corporation, including responding to questionnaires submitted by foreign exporters to ensure there are no statistical inaccuracies.
- Certain Carbon and Alloy Steel Products, Inv. No. 337-TA-1002 (International Trade Commission 2016). While hiring our firm to handle many of its anti-dumping and countervailing duty matters, United States Steel Corporation also enlisted us to devise new and innovative responses to foreign steel companies’ unfair trade actions. True to that charge, we filed a revolutionary Section 337 action against the eleven largest Chinese steel companies. Although the ITC had not instituted an antitrust action since the late 1970s and QE is not aware of any Section 337 case based on the cyber-theft of trade secrets (voluntarily withdrawn), the ITC voted unanimously in May 2016 to institute an investigation. *See* Notice of Institution of Investigation, Doc. No. 582305, Certain Carbon and Alloy Steel Products, Inv. No. 337-TA-1002 (U.S.I.T.C. May 26, 2016). We await the ITC’s ruling on the order by the ALJ terminating the investigation.
- Certain Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Japan and Romania, Third Sunset Review, Inv. Nos. 731-TA-847 and 849 (International Trade Commission 2017). We successfully represented United States Steel Corporation in its victory over Romanian respondents by persuading the Commission that the revocation of antidumping duty orders would likely lead to material injury. As a result, the existing antidumping duty orders remained in place.
- Certain Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Japan and Romania, Second Sunset Review, Inv. Nos. 731-TA-847 and 849 (International Trade Commission). We successfully represented United States Steel Corporation throughout a

five-year review to determine if large-diameter CASSLP pipe from Japan would cause the continuation of material injury under section 751(c) of the Tariff Act of 1930, as amended.

- Certain Carbon and Alloy Seamless Standard, Line, and Pressure Pipe (Under 4 1/2 Inches) from Japan, Five-Year Review (Third Review), Case No. A-588-851 (Department of Commerce 2016). We successfully represented United States Steel Corporation in providing the statistical and legal analysis that lead the Department of Commerce to find Japan and Romania likely to injure the domestic market without a continuation of antidumping orders.
- United States – Anti-Dumping Measures on Certain Oil Country Tubular Goods from Korea (World Trade Organization 2017). We represented the United States in complex consultations and thereafter before a panel requested by Korea pursuant to the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), Article XXII of the General Agreement on Tariffs and Trade 1994 (GATT 1994). The panel did not uphold 14 and did not consider 5 of Korea’s 22 claims against the United States.
- Certain Hot-Rolled Carbon Steel Flat Products from the Russian Federation, Administrative Review No. A-821-809 (Department of Commerce 2017). We successfully represented United States Steel Corporation’s interests in challenging Russian respondents’ attempts to make unsolicited changes to the home market and U.S. sales databases in order to avoid calculating a margin for the record.
- Certain Hot-Rolled Carbon Steel Flat Products from the Russian Federation, Investigation No. 731-TA-808 (Third Review) (International Trade Commission 2016). We successfully represented United States Steel Corporation in showing that significant capacity to produce hot-rolled steel in Russia remained such that increased exports to the United States would occur and cause material injury if revocation of antidumping duty orders were to occur.
- Husteel Co., Ltd. et al. v. United States and Maverick Tube Corp., Consol. Court No. 14-00215 (Court of International Trade 2016). We successfully represented United States Steel Corporation in this decision by Commerce to sustain Commerce’s Remand Results based on the as available financial statements and information from the two sources.
- American Tubular Products, LLC and Jiangsu Chengde Steel Tube Share Co., Ltd., v. United States and United States Steel Corporation, TMK IPSCO, Wheatland Tube Company, and V&M Star L.P., Court No. 13-00029 (Court of International Trade 2015). We successfully represented United States Steel Corporation before the CIT, which sustained the remand results of an administrative review of an antidumping duty order on Certain Oil Country Tubular Goods from the People’s Republic of China. We defended the Court’s decision to choose the best available value for nonmarket economy merchandise.
- Certain Cold-Rolled Steel Flat Products from Brazil, Inv. No. A-351-843 (Department of Commerce 2016). We successfully represented United States Steel Corporation in this anti-

dumping investigation wherein Commerce found that cold-rolled steel from Brazil, India, Korea, and the United Kingdom was being sold for less-than-fair value and the ITC ruled that these imports materially injured the domestic industry. As a result, Commerce issued antidumping duty (AD) orders.