

Customs and International Trade

March 9, 2011

Antidumping Duty Order on Japanese Ball Bearings to Sunset, Determines the U.S. International Trade Commission

In a significant development in the antidumping case covering ball bearings from Japan, on March 1, 2011, the International Trade Commission (ITC) voted that the U.S. ball bearing industry would not be injured if the antidumping duty order covering ball bearings from Japan were to be revoked. The ITC's vote was the result of a remand ordered by the Court of International Trade in *NSK Corp. v. United States*, CIT Slip Op. 10-133 (Dec. 9, 2010).

While this is a very favorable development for U.S. ball bearing importers, it remains to be seen whether this determination will be finalized. Both the government and the petitioner in the case, The Timken Company, have the right to file an appeal with the U.S. Court of Appeals for the Federal Circuit contesting the ITC's negative injury finding within 30 days. If the determination is not appealed, or is affirmed on appeal, it remains to be seen how the government will treat both liquidated and unliquidated entries for years going back to the presumed effective date in 2006.

We will continue to monitor developments in this case and issue updates as the status changes. This determination only concerns the Japan case; the orders with regard to Germany, Italy and France remain in place for the present.

If you have any questions, please contact one of the Katten Muchin Rosenman LLP [Customs and International Trade](#) attorneys or professionals listed below.

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