

UNITED STATES COURT OF INTERNATIONAL TRADE

BEFORE: RICHARD W. GOLDBERG, JUDGE

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HEVEAFIL SDN. BHD., and *
FILATI LASTEX SDN. BHD., *

Plaintiffs, *

v. *

Court No. 98-04-00908

THE UNITED STATES, *

Defendant. *

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ORDER

Upon consideration of the plaintiffs' motion for judgment on the agency record and briefs in support of said motion, defendant's briefs in opposition to plaintiffs' motion, upon all other papers and proceedings had herein, and upon due deliberation; it is hereby

ORDERED that the Commerce Department's ("Commerce") decision in Extruded Rubber Thread from Malaysia; Final Results of Antidumping Duty Administrative Review, 63 Fed. Reg. 12,752 (March 16, 1998) ("Final Results") to assign Heveafil Sdn. Bhd. ("Heveafil") a dumping margin using facts otherwise available and adverse inferences is sustained. The specific dumping margin selected for Heveafil by Commerce is sustained. Commerce's decisions in the Final Results regarding Filati Lastex Sdn. Bhd.'s ("Filati") constructed export price sales, constructed export price offset, comparison between U.S. sales and first quality home market sales, constructed value calculation, reported cost data, offset to indirect selling expenses and normal value calculation are also sustained;

ORDERED that Commerce's decision in the Final Results regarding Heveafil and Filati's duty absorption is remanded; and that upon remand Commerce shall conduct a duty absorption inquiry in conformance with the Court's opinion in Heveafil Sdn. Bhd., and Filati Lastex Sdn. Bhd. v. United States, No. 98-04-00908, Slip Op. 01-22 (CIT February 27, 2001);

ORDERED that Commerce shall, within thirty (30) days of the date of this Order, issue a remand determination in accordance with the instructions provided herein.

Richard W. Goldberg

Dated: February 28, 2001
New York, New York