

UNITED STATES COURT OF INTERNATIONAL TRADE

BEFORE: SENIOR JUDGE NICHOLAS TSOUCALAS

_____	:	
SHINYEI CORPORATION OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Court No. 00-00130
	:	
UNITED STATES, et. al.,	:	
	:	
Defendant.	:	
_____	:	

ORDER

This matter comes before the Court pursuant to the decision of the Court of Appeals for the Federal Circuit ("CAFC") in Shinyei Corp. of Am. v. United States, 355 F.3d 1297 (Fed. Cir. 2004), and the CAFC mandate of March 12, 2004, reversing and remanding the judgment of the Court in Shinyei Corp. of Am. v. United States, 27 CIT ___, ___, 248 F. Supp. 2d 1350.

The CAFC held that this Court erred in granting defendant's motion to dismiss the action pursuant to USCIT R. 12(b)(1). Accordingly, it is hereby

ORDERED that plaintiff proceed with the merits of the case consistent with the CAFC's opinion.

/s/ NICHOLAS TSOUCALAS
NICHOLAS TSOUCALAS
SENIOR JUDGE

Dated: March 22, 2004
New York, New York