

Federal Circuit Affirms 16-Year Import Ban Against Indian Stainless Steel Producer Viraj Profiles

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On September 11, 2017, the U.S. Court of Appeals for the Federal Circuit (“Federal Circuit”) issued a judgment without opinion affirming the International Trade Commission’s (“ITC”) decision in *Viraj Profiles Limited v. ITC* (2016-2482) that resulted in a limited exclusion order against Indian stainless steel producer Viraj Profiles Limited (“Viraj”). The exclusion order prohibits the importation into the United States of all stainless steel products manufactured by or on behalf of Viraj. The order has been in effect since July 2016 and will remain in place for a period of 16.7 years. The investigation was launched in 2014 following a complaint filed by Valbruna Slater Stainless, Inc., Valbruna Stainless, Inc., Acciaierie Valbruna S.p.A. (collectively, “Valbruna”) alleging that Viraj imported into the U.S. and sold certain stainless steel products manufactured using Valbruna’s stolen trade secrets. In May 2016, the ITC found Viraj in default for destroying evidence and providing false testimony under oath during the investigation and issued the exclusion order.

The exclusion order covers stainless steel products manufactured by or on behalf of Viraj, including semi-finished steel, wire rod, bars, angles, wire, flanges and fasteners. The order also applies to stainless steel produced by Viraj that may be sold by other parties, as well as products produced by Viraj made from stainless steel billets and ingots that are melted, refined, and cast by an unrelated third-party.