

UNITED STATES COURT OF INTERNATIONAL TRADE

<p>DAIMLERCHRYSLER CORPORATION,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>UNITED STATES,</p> <p style="text-align: center;">Defendant.</p>	<p>Before: Jane A. Restani Chief Judge</p> <p>Court No. 99-00668</p>
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JUDGMENT

[Judgment for plaintiff on Tariff Classification of U.S. made truck parts painted and assembled in Mexico free of duties.]

Dated: September 26, 2005

Barnes, Richardson & Colburn, (Lawrence M. Friedman and Ilya A. Bakke) for plaintiff.

Peter D. Keisler, Assistant Attorney General, Barbara S. Williams, Attorney-in-Charge, International Trade Field Office, Commercial Litigation Branch, Civil Division, United States Department of Justice (Saul Davis), Michael Heydrich, Office of Assistant Chief Counsel, International Trade Litigation, U.S. Customs and Border Protection, of counsel, for defendant.

Restani, Chief Judge: The merchandise at issue is identical in all material respects to that in DaimlerChrysler Corp. v. United States, 361 F.3d 1378 (Fed. Cir. 2004), wherein defendant's classification failed.

The parties do not request a new trial. Accordingly, the court is bound by precedent, and judgment is entered for plaintiff requiring duty free treatment under Harmonized Tariff Schedule of the United States ("HTSUS") item 9802.00.80 for the U.S. made truck parts painted and assembled

in Mexico, re-entered into the United States on May 5, 1993, under entry numbers 228-0107083-4 and 228-0107085-9.

Defendant shall refund the duties erroneously collected together with interest as provided by law.

/s/ Jane A. Restani

Jane A. Restani
Chief Judge

Dated: New York, New York
This 26th day of September, 2005.