

**Slip Op. 99-64**

**United States Court of International Trade  
Before: James L. Watson, Senior Judge**

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**Bestfoods (formerly known as CPC International, Inc.),** : **Court No. 95-02-00144**  
:   
**Plaintiff,** :   
:   
**v.** :   
:   
**United States,** :   
:   
**Defendant.** :   
:

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**Judgment**

This court's judgment for defendant entered pursuant to CPC Int'l. v. United States, 971 F. Supp. 574 (CIT 1997), having been cross-appealed by the parties, reversed favorably to defendant cross-appellant, vacated, and the action remanded to permit Bestfoods to pursue any further arguments it might have, Bestfoods (formerly known as CPC International v. United States, 165 F. 3d 1371 (Fed. Cir. 1999) ( issued as a mandate on March 18, 1999); and

This action, previously assigned to the Senior Judge Bernard Newman, having been reassigned to the undersigned on the 26<sup>th</sup> day of May 1999, and

No further arguments having been submitted by counsel for plaintiff to this court pursuant to the remand, and no further action having been taken by either party in this case;

As the prior judgment for defendant, premised on the court's conclusion that marking would be required under the pre-NAFTA "substantial transformation" test was vacated

on appeal, it hereby **ORDERED, ADJUDGED AND DECREED** that this action be, and hereby, is dismissed.

Dated: New York, New York  
July 15, 1999

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James L. Watson, Senior Judge