

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C. 20436**

**In the Matter of**

**CERTAIN ABSORBENT GARMENTS**

**Inv. No. 337-TA-508**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING A MOTION FOR PARTIAL DETERMINATION OF  
IMPORTATION OF CERTAIN ACCUSED PRODUCTS BY RESPONDENTS BIENES  
AND ABSORMEX, USA**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ") initial determination ("ID") granting complainants' motion for partial summary determination of importation of certain accused products by respondents ABS Bienes de Capital S.A. de C.V. and Absormex, USA, Inc.

FOR FURTHER INFORMATION CONTACT: Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3152. Copies of the ID and all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION: The Commission instituted this patent-based section 337 investigation on May 7, 2004, based on a complaint filed by Tyco Healthcare Retail Group, Inc. and Paragon Trade Brands, Inc. of King of Prussia, Pennsylvania. 69 *Fed. Reg.* 25609. The respondents named in the investigation are Grupo ABS Internacional, S.A. de C.V. and Absormex S.A. de C.V. of Mexico, and Absormex USA, Inc. of Laredo, Texas. The complaint alleged that respondents violated section 337 of the Tariff Act of 1930 by importing into the United States, selling for importation, and/or selling within the United States after importation certain absorbent garments by reason of infringement of certain claims of U.S. Patent Nos. 5,275,590; 5,403,301; and 4,892,528.

On July 12, 2004, the Commission determined not to review an ID granting complainants' motion to amend the complaint and notice of investigation to add ABS Bienes de Capital S.A. de C.V. ("Bienes") as a respondent to this investigation.

On July 26, 2004, complainants filed a motion for partial summary determination of importation of certain accused products by respondents Bienes and Absormex, USA.

On August 20, 2004, the ALJ issued an ID (Order No. 16) granting complainants' motion for partial summary determination of importation of certain accused products by respondents Bienes and Absormex, USA.

No petitions for review of the ID were filed.

The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337) and in section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

Marilyn R. Abbott  
Secretary to the Commission

Issued: September 13, 2004