

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

In the Matter of
CERTAIN NITRILE GLOVES

Investigation No. 337-TA-608

AND

In the Matter of
CERTAIN NITRILE RUBBER GLOVES

Investigation No. 337-TA-612

NOTICE OF COMMISSION DECISION NOT TO REVIEW ORDER NO. 19

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 Order No. 19 consolidating Investigation No. 337-TA-608, *Certain Nitrile Gloves*, with Investigation No. 337-TA-612, *Certain Nitrile Rubber Gloves*, and extending the target date in Investigation No. 337-TA-608 to sixteen and a half months. That part of Order No. 19 extending the target date constituted an initial determination ("ID"). That part of Order No. 19 consolidating the two investigations constituted an order which was effective upon issuance.

FOR FURTHER INFORMATION CONTACT: Michelle Walters, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5468. Copies of non-confidential 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. General information concerning the Commission may also be obtained by accessing its Internet server at <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>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted Investigation No. 337-TA-608 on July 6, 2007, based on a complaint filed by Tillotson Corporation d.b.a. Best Manufacturing Company (“Tillotson”). The Commission instituted Investigation No. 337-TA-612 on August 22, 2007, based on a complaint filed by Tillotson. The complaints allege violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain nitrile gloves by reason of infringement of various claims in United States Patent No. Re. 35,616.

On August 27, 2007, respondents in Investigation No. 337-TA-612, Cardinal Health, Inc., Cardinal Health 200, Inc., and Cardinal Health Malaysia Sdn. Bhd. (collectively, “Cardinal Health”), requested that the ALJ consider whether the cases should be consolidated. The ALJ took briefing on the issue. Cardinal Health argued that if the investigations are consolidated, the target date for Investigation No. 337-TA-608 should be extended so it is not prejudiced by the later institution date of Investigation No. 337-TA-612. Tillotson and the Commission investigative attorney agreed with Cardinal Health’s recommendation.

On September 19, 2007, the ALJ issued Order No. 19 consolidating the investigations, because they involve the same patent and overlapping subject matter. He also determined to extend the target date of Investigation No. 337-TA-608 to November 22, 2008 (sixteen and a half months). No petitions for review were filed.

Having examined the record of this investigation, the Commission has determined not to review the ALJ’s ID.

The authority for the Commission’s determination 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.

/s/
William R. Bishop
Acting Secretary to the Commission

Issued: October 11, 2007