

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 DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION WITH RESPECT TO
RESPONDENT DARBY GROUP COMPANIES, INC. BASED ON A CONSENT ORDER**

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") (Order No. 87) granting respondent Darby Group Companies' ("Darby") motion to terminate the investigation with respect to itself based on a consent order.

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 this investigation on July 6, 2007, based on a complaint filed by Tillotson Corporation d.b.a. Best Manufacturing Company (“Tillotson”). The complaint alleges 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. The complaint named over thirty respondents. On September 19, 2007, the ALJ consolidated Inv. No. 337-TA-608 with Inv. No. 337-TA-612.

On May 19, 2008, Darby moved pursuant to Commission Rule 210.21(c) (19 C.F.R. § 210.21(c)) to terminate the investigation with regard to itself on the basis of a consent order. The motion stated that complainant Tillotson supports the motion. The Commission investigative attorney also supported the motion, provided that Darby submit a consent order stipulation with the signatures of the representatives of Tillotson and Darby, rather than their counsel. On June 4, 2008, Darby filed an amended motion including a consent order stipulation signed by representatives of both parties.

On June 11, 2008, the ALJ issued the subject ID granting the motion to terminate the investigation with regard to Darby. The ALJ found that the motion complied with the requirements of Commission Rule 210.21 (19 C.F.R. § 210.21). The ALJ also concluded that, pursuant to Commission Rule 210.50(b)(2) (19 C.F.R. § 210.50(b)(2)), there is no evidence that termination of this investigation will prejudice the public interest. Accordingly, the ALJ terminated the investigation with respect to Darby. No petitions for review of this ID were filed.

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/
Marilyn R. Abbott
Secretary to the Commission

Issued: July 7, 2008