

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PURPLE PROTECTIVE
GLOVES**

Inv. No. 337-TA-500

NOTICE OF INVESTIGATION

AGENCY: U.S. International Trade Commission

ACTION: Institution of investigation pursuant to 19 U.S.C. §1337

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on October 23, 2003, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. §1337, on behalf of Kimberly-Clark Corporation of Irving, Texas and Safeskin Corporation of Roswell, Georgia. A letter supplementing the complaint was filed on November 17, 2003. The complaint alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain purple protective gloves by reason of infringement of U.S. Registered Trademark Nos. 2,596,539, 2,533,260, and 2,593,382. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint and supplement, except for any confidential information contained therein, are 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., Room 112, Washington, D.C. 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may 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 at <http://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Thomas Fusco, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2571.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. §210.10 (2003).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on November 19, 2003, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(C) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain purple protective gloves by reason of infringement of U.S. Registered Trademark No. 2,596,539, 2,533,260, or 2,593,382, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are–

Kimberly-Clark Corporation
351 Phelps Drive
Irving, Texas 75038

Safeskin Corporation
1400 Holcomb Bridge Road
Roswell, Georgia 30076

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

The Delta Group
4250 River Green Parkway, N.W.
Duluth, Georgia 30136

Delta Hospital Supply, Inc.
31 Astor Avenue
Norwood, Massachusetts 02062

Delta Medical Systems, Inc.
6865 Shiloh Road E.
Suite 400
Alpharetta, Georgia 30005

Delta Medical Supply Group, Inc.
436 W. Gay Street
West Chester, Pennsylvania 19380

Medtexx Partners
216 Charles Street
Hackensack, New Jersey 07601

Latexx Partners Berhad
62-3, Jalan 5/101C, Cheras Business Centre
Off Jalan Kaskas,
56100 Kuala Lumpur
Malaysia

Dash Medical Gloves, Inc.
10180 South 54th Street
Franklin, Wisconsin 53132

(c) Thomas S. Fusco, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Delbert R. Terrill, Jr. is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. §210.13. Pursuant to 19 C.F.R. §§201.16(d) and 210.13(a), such responses will be considered by the Commission if received no later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and to authorize the administrative law judge and the Commission, without further notice to that respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an

initial determination and a final determination containing such findings, and

may result in the issuance of a limited exclusion order or a cease and desist order or both directed against that respondent.

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: November 20, 2003