

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of)		
)		
CERTAIN TOOL HANDLES,)	Investigation No. 337-TA-483	
TOOL HOLDERS, TOOL SETS,)		
AND COMPONENTS THEREFOR)		
)		

**NOTICE OF A COMMISSION DETERMINATION NOT TO
REVIEW AN INITIAL DETERMINATION TERMINATING THE
INVESTIGATION AS TO CERTAIN PATENT CLAIMS**

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 initial determination (“ID”) of the presiding administrative law judge (“ALJ”) granting the motion of complainant Allen-Pal, LLC (“Allen-Pal”) to terminate the above-captioned investigation as to claims 2, 28, 29 and 30 of U.S. Patent No. 5,911,799 (the “799 patent”) and claim 18 of U.S. Patent No. 6,311,587 (the “587 patent”).

FOR FURTHER INFORMATION CONTACT: Michael Diehl, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 205-3095. Copies of the ALJ’s ID and all other 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

SUPPLEMENTARY INFORMATION: On December 23, 2002, the Commission instituted this investigation based on a complaint filed by Allen-Pal, alleging a violation of section 337 of the Tariff Act of 1930 in the importation into the United States and sale within the United States after importation of certain tool handles, tool holders, tool sets, and components therefor by reason of infringement of claims 1, 2, 11, 12, 23, 24 and 28-30 of the ‘799 patent and claims 1, 14, 18, 19, 34, 37, 40 and 41 of the ‘587 patent. Danaher Corporation of Washington, D.C. and Danaher Tool Corporation of Hunt Valley, Maryland were named as respondents.

On March 26, 2003, complainant Allen-Pal filed a motion to terminate the investigation as to claims 2, 28, 29 and 30 of the ‘799 patent and claim 18 of the ‘587 patent. The Commission investigative attorney supported the motion. No other party responded to the motion.

On April 22, 2003, the ALJ issued an ID (Order No. 7) terminating the investigation as to the patent claims subject to the motion. No party petitioned for review of the ID pursuant to 19 C.F.R. § 210.43(a), and the Commission found no basis for ordering a review on its own initiative pursuant to 19

C.F.R. § 210.44. The Commission determined not to review the ID, and it thus became the determination of the Commission pursuant to 19 C.F.R. § 210.42(h)(3).

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, and Commission rule 210.42, 19 C.F.R. § 210.42.

By order of the Commission.

Marilyn R. Abbott
Secretary

Issued: May 15, 2003