

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

**In the Matter of**

**CERTAIN TOOL HANDLES, TOOL  
HOLDERS, TOOL SETS, AND  
COMPONENTS THEREFOR**

**Inv. No. 337-TA-483**

**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 November 26, 2002, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. §1337, on behalf of Allen-Pal, LLC of San Jose and Los Gatos, California. Letters supplementing the complaint were filed on December 16, 17, and 20, 2002. The complaint as supplemented alleges violations of section 337 in the importation into the United States and the 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 U.S. Patent No. 5,911,799 and claims 1, 14, 18, 19, 34, 37, 40, and 41 of U.S. Patent No. 6,311,587. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests 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 supplements, 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 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-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

FOR FURTHER INFORMATION CONTACT: Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2572.

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 (2002).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on December 19, 2002, 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)(B) 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 tool handles, tool holders, tool sets, or components therefor by reason of infringement of claims 1, 2, 11, 12, 23, 24, 28, 29, or 30 of U.S. Patent No. 5,911,799 or claims 1, 14, 18, 19, 34, 37, 40, or 41 of U.S. Patent No. 6,311,587, 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 complainant is–

Allen-Pal, LLC  
16780 Lark Avenue  
Los Gatos, California 95032
  - (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:

Danaher Corporation  
2099 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006

Danaher Tool Corporation  
11011 McCormick Road  
Suite 150  
Hunt Valley, Maryland 21031

- (c) Juan Cockburn, 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 Paul J. Luckern 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: December 23, 2002