

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

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

**NOTICE OF A COMMISSION DETERMINATION NOT TO  
REVIEW AN INITIAL DETERMINATION GRANTING IN PART  
COMPLAINANT’S MOTION TO AMEND THE COMPLAINT AND  
NOTICE OF INVESTIGATION BY ADDING TWO RESPONDENTS**

**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 in part the motion of complainant Allen-Pal, LLC (“Allen-Pal”) to amend the complaint and notice of investigation by adding two respondents.

**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 (<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>.

**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 certain claims of U.S. patents held by Allen-Pal. Danaher Corporation of Washington, D.C. and Danaher Tool Corporation of Hunt Valley, Maryland were named as respondents.

On April 14, 2003, complainant Allen-Pal filed a motion to amend the complaint and notice of investigation by adding as new respondents Hi-Five Products Developing Company (“Hi-Five”), a Taiwanese company alleged to be the producer of the alleged infringing products; Bobby Hu (“Hu”), the alleged owner of Hi-Five and the inventor of the alleged infringing product; and Lea Way Hand Tool Corporation (“Lea Way”), a wholly-owned subsidiary of respondents, and alleged exporter of the infringing products.

By Commission rule 210.14(b), the complaint and notice of investigation may be amended after the institution of the investigation “only . . . for good cause shown and upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties to the investigation.” Allen-Pal asserted good cause because it learned of the proposed new respondents and their alleged role in the alleged infringement as a result of discovery in the investigation. The ALJ found good cause for the addition of Hi-Five and Hu, and that their addition would not prejudice the public interest or rights of the other parties. As to Lea Way, the ALJ noted a pending motion to terminate the investigation based upon a consent order. The proposed consent order would cover Lea Way. In view of the pending motion, the ALJ denied the motion as to Lea Way, without prejudice.

No party petitioned for review of the ID.

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 to the Commission

Issued: May 19, 2003