

oppose entry of a Default in this matter.” On May 24, 2004, the ALJ issued an ID (Order No. 14) finding Dash in default pursuant to Commission rule 210.16(a)(1). The Commission determined not to review the ID on June 22, 2004.

On September 23, 2004, the ALJ issued an ID (Order No. 17) finding “substantial, reliable, and probative evidence” of a violation of section 337 by reason of Dash’s importation and sale of the accused gloves and the existence of a domestic industry. No party petitioned for review of the ID. The ALJ recommended the issuance of a general exclusion order, and that the bond permitting temporary importation during the Presidential review period be set at 100 percent of the value of the infringing imported product. On October 19, 2004, the Commission determined not to review this ID, and issued a notice seeking comments on remedy, the public interest, and bonding. K-C/Safeskin and the Commission investigative attorney (“IA”) supported the recommendations of the ALJ in briefs filed on November 12, 2004. The IA filed a reply on November 19, 2004.

Having examined the relevant portions of the record in this investigation, including the ALJ’s recommended determination, and the written submissions on remedy, the public interest, and bonding, the Commission determined to issue a general exclusion order prohibiting unlicensed entry for consumption of purple protective gloves that infringe U.S. Registered Trademarks Nos. 2,596,539, 2,533,260, or 2,593,382. The Commission also determined that the public interest factors enumerated in section 337(d) do not preclude the issuance of the aforementioned remedial order and that the bond during the Presidential review period shall be 100 percent of the entered value of the articles in question. [The Commission’s order was delivered to the President on the day of its issuance.]

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337(d)(2)), and sections 210.41 and 210.50 of the Commission’s Rules of Practice and Procedure, (19 C.F.R. §§ 210.41 and 210.50).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

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