

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington D.C. 20436**

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**In the Matter of**

**CERTAIN EAR PROTECTION DEVICES**

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) **Inv. No. 337-TA-518**  
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**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW  
AN INITIAL DETERMINATION FINDING THREE RESPONDENTS IN DEFAULT**

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 an initial determination (ID) of the presiding administrative law judge (ALJ) in the above-captioned investigation finding three respondents, Ningbo Electric and Consumer Goods, Import & Export Corp., Vollmacht Enterprise Co., Ltd., and Wang Da, Inc. Retail and Wholesales, in default, and to have waived their respective rights to appear, to be served with documents, and to contest the allegations at issue in the investigation.

FOR FURTHER INFORMATION CONTACT: Michael K. Haldenstein, Esq., telephone 202-205-3041, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436. Copies of all 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 SW., Washington, D.C. 20436, telephone 202-205-2000. 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-ON-LINE) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

**SUPPLEMENTARY INFORMATION:**

The Commission instituted this investigation on March 16, 2004, based on a complaint filed by 180s, Inc. and 180s, LLC of Baltimore, Maryland. Complainants filed an amended complaint on July 23, 2004. The amended 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 ear protection devices by reason of infringement of claims 1, 3, 13, 17-19, and 21-22 of U.S. Patent No. 5,835,609. The complaint named eight respondents: Ningbo Electric and Consumer Goods, Import & Export Corp. of China; Vollmacht Enterprise Co., Ltd. of Taiwan; March Trading of New York, NY; Alicia International, Inc., d/b/a Lincolnwood Merchandising of Niles, IL; Hebron Imports of Chicago, IL; Ross Sales of Commack, NY; Value Drugs Rock, Inc. of New York, NY; Song's Wholesale of Washington, DC; and Wang Da, Inc. Retail and Wholesales of New York, NY. The complaint further alleged that an industry in the United States exists as required by subsection (a)(2) of section 337.

On September 24, 2004, complainants filed a motion pursuant Commission rule 210.16 for an order to show cause and entry of a default judgment against three respondents: Ningbo Electric and Consumer Goods, Import & Export Corp., Vollmacht Enterprise Co., Ltd., and Wang Da, Inc. Retail and Wholesales. The Commission investigative attorney supported the motion. None of the respondents filed a response to the motion. The ALJ issued a show cause order (Order No. 4) on October 12, 2004. The order required the three respondents to show cause why they should not be held in default, having not responded to the complaint or motion for a show cause order.

The ALJ issued the subject ID on November 2, 2004. The ALJ states in the ID that the three respondents did not respond to the complaint, notice of investigation, or the order to show cause. Consequently, the ALJ found the respondents in default, and pursuant to Commission Rule 210.16(b)(3), to have waived their right to appear, be served with documents, or contest the allegations in the complaint. No petitions for review of the ID were filed.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

Marilyn R. Abbott  
Secretary to the Commission

Issued: November 24, 2004