

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN DIGITAL MULTIMETERS,
AND PRODUCTS WITH MULTIMETER
FUNCTIONALITY

Investigation No. 337-TA-588

ISSUANCE OF GENERAL EXCLUSION ORDER AND CEASE AND DESIST ORDERS;
TERMINATION OF THE INVESTIGATION

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has issued a general exclusion order and cease and desist orders directed to two defaulting domestic respondents in the above-identified investigation. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Michael K. Haldenstein, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3041. Copies of non-confidential 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. 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>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 13, 2006, based on a complaint filed on October 6, 2006, and supplemented on October 27 and 30, 2006, by Fluke Corp. of Everett, Washington, alleging violations of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain digital multimeters and products with multimeter functionality by reason of infringement of United States Trademark Registration No. 2,796,480 ("the '480 mark") and also by reason of infringement of trade dress, the threat or effect of which is to destroy or substantially injure an industry in the United States. 71 Fed. Reg. 661940 (November 13, 2006). Complainant requested that the Commission issue a general exclusion order and cease and desist orders. The complaint named eighteen respondents in China, Hong Kong, and the United States. Fourteen respondents were terminated from the investigation by settlement agreement, consent order, or both. The four remaining respondents were found in default.

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On July 3, 2007, complainant filed a motion seeking summary determination of violation of section 337. On January 14, 2008, the presiding administrative law judge (“ALJ”) issued an initial determination (“ID”) granting complainant’s motion for summary determination of violation of section 337 as to the four defaulting respondents. He recommended issuance of a general exclusion order, issuance of cease and desist orders against respondents Electronix Express and HandsOnTools, and that the amount of bond for temporary importation during the Presidential review period be set at 100 percent of the entered value of the articles concerned. No petitions for review were filed.

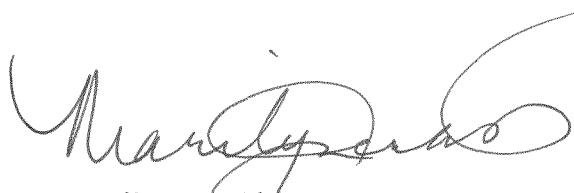
On February 12, 2008, the Commission determined not to review the ID and requested written submissions on the issues of remedy, the public interest, and bonding. On February 28 and March 6, 2008, respectively, the complainant Fluke and the Investigative Attorney (“IA”) filed briefs and the IA filed a reply brief on these issues.

Having reviewed the record in this investigation, including the ALJ’s recommended determination and the parties’ written submissions, the Commission has determined that the appropriate form of relief is a general exclusion order prohibiting the unlicensed entry of digital multimeters that infringe the ‘480 mark or Fluke’s protected trade dress and cease and desist orders directed to Electronix Express and HandsOnTools.

The Commission has further determined that the public interest factors enumerated in section 337(d)(1) (19 U.S.C. § 1337(d)(1)) do not preclude issuance of the general exclusion order. Finally, the Commission determined that the amount of bond to permit temporary importation during the Presidential review period (19 U.S.C. § 1337(j)) shall be in the amount of 100 percent of the value of the digital multimeters that are subject to the order. The Commission’s order and opinion were delivered to the President and to the United States Trade Representative on the day of their issuance.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, and in sections 210.42-46 of the Commission's Rules of Practice and Procedure, 19 C.F.R. §§ 210.42-46.

By order of the Commission.



Marilyn R. Abbott
Secretary to the Commission

Issued: May 14, 2008

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN DIGITAL MULTIMETERS,
AND PRODUCTS WITH MULTIMETER
FUNCTIONALITY**

Inv. No. 337-TA-588

GENERAL EXCLUSION ORDER

The Commission has determined that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) based on the unlawful importation and sale of certain digital multimeters and products with multimeter functionality that infringe (1) United States Trademark Registration No. 2,796,480 and (2) the trade dress of certain of Fluke's digital multimeters and products with multimeter functionality ("protected trade dress). The protected trade dress is as follows:

digital multimeters and products with multimeter functionality that have a contrasting color combination of a dark-colored body or face and a contrasting yellow border, frame, molding, overlay, holster or perimeter.

See Unreviewed Initial Determination at 6.

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that the criteria for issuance of a general exclusion order have been met in this investigation. Accordingly, the Commission has determined to issue a general exclusion order prohibiting the unlicensed importation of infringing digital multimeters and products with multimeter functionality.

The Commission has further determined that the public interest factors enumerated in 19 U.S.C. § 1337(d) do not preclude issuance of the general exclusion order, and that the bond during the Presidential review period shall be in the amount of 100 percent of the entered value of the articles in question.

Accordingly, the Commission hereby **ORDERS** that:

1. Digital multimeters and products with multimeter functionality that (i) infringe U.S. Registered Trademark No. 2,796,480 or any marks confusingly similar thereto or that are otherwise misleading as to source, origin, or sponsorship, or (ii) bear Fluke's protected trade dress or any trade dress confusingly similar thereto or that are otherwise misleading as to source, origin or sponsorship are excluded from entry into the United States for consumption, entry for consumption, except under license of the trademark and protected trade dress owner or as provided by law.

2. For the purpose of assisting U.S. Customs and Border Protection in the enforcement of this Order, and without in any way limiting the scope of the Order, the Commission has attached to this Order as Exhibit 1 a copy of a series of full-color photographs of exemplary Fluke digital multimeters and products with multimeter functionality having the aforesaid trademark and trade dress. The Commission has also attached the relevant trademark registration to this Order as Exhibit 2 and full-color photographs of devices that have been found to infringe the trademark and protected trade dress as Exhibit 3.

3. Notwithstanding paragraph 1 of this Order, the aforesaid digital multimeters and products with multimeter functionality are entitled to entry into the United States for consumption, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, under bond in the amount of 100 percent of entered value pursuant to subsection (j) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337(j)), and the Presidential memorandum for the United States Trade Representative of July 21, 2005 (70 *Fed. Reg.* 43251) from the day after this Order is received by the United States Trade Representative until such time as the United States Trade Representative notifies the Commission that this Order is approved or disapproved but, in any event, not later than 60 days after the date of receipt of this Order. However, this provision does not exempt infringing articles from seizures under the trademark laws enforced by U.S. Customs and Border Protection, most notably 19 U.S.C. § 1526(e) and 19 U.S.C. § 1595a(c)(2)(C) in connection with 15 U.S.C. § 1124.

4. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to digital multimeters and products with multimeter functionality that are imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

5. Complainant Fluke Corporation shall file a written statement with the Commission, made under oath, each year on the anniversary of the issuance of this Order stating whether Fluke Corporation continues to use each of the

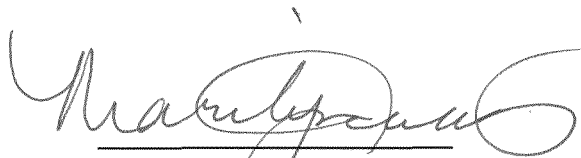
aforesaid trademark and protected trade dress in commerce in the United States in connection with digital multimeters and products with multimeter functionality, and whether any of the aforesaid trademark or protected trade dress has been abandoned, canceled, or rendered invalid or unenforceable.

6. The Commission may modify this Order in accordance with the procedures described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

7. The Secretary to the Commission shall serve copies of this Order upon each party of record in this investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and U.S. Customs and Border Protection.

8. Notice of this Order shall be published in the *Federal Register*.

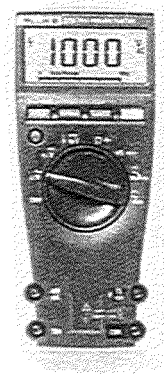
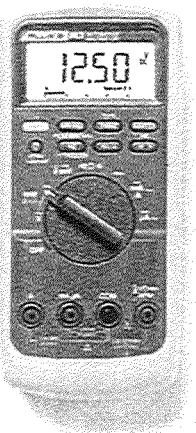
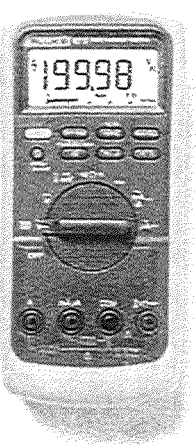
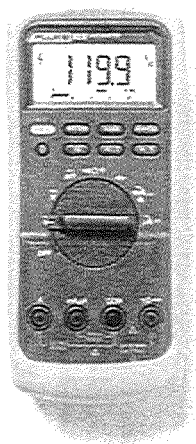
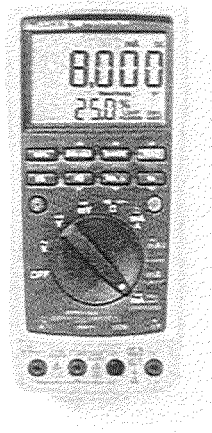
By Order of the Commission.

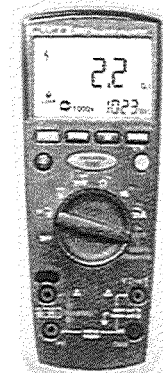
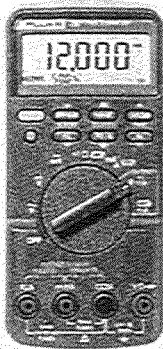
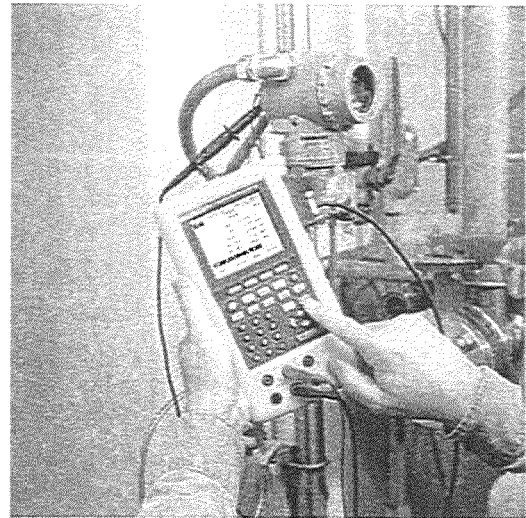
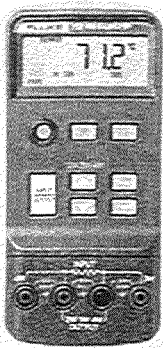
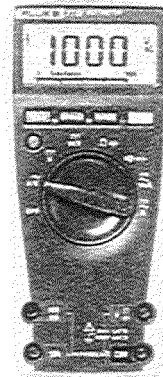
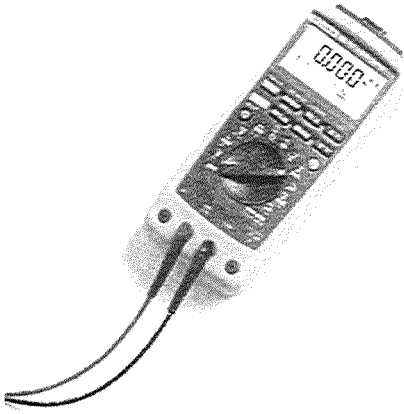
A handwritten signature in cursive script, appearing to read 'Marilyn R. Abbott', written over a horizontal line.

Marilyn R. Abbott
Secretary to the Commission

Issued: May 14, 2008

Exhibit 1





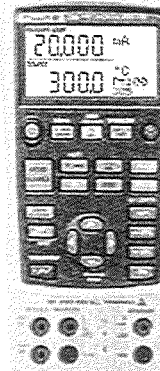
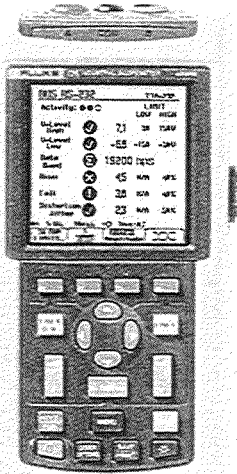
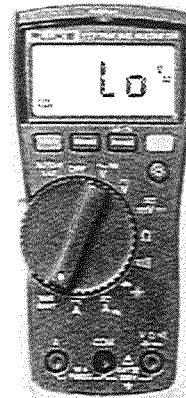
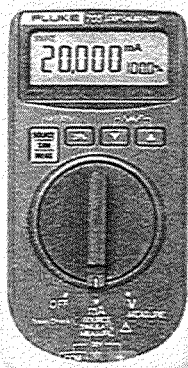
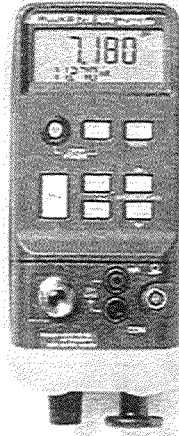
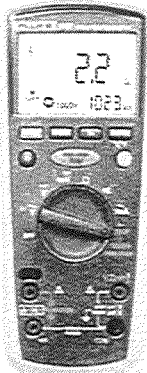


Exhibit 2



790410

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

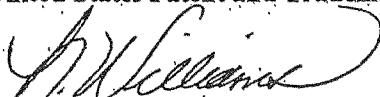
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

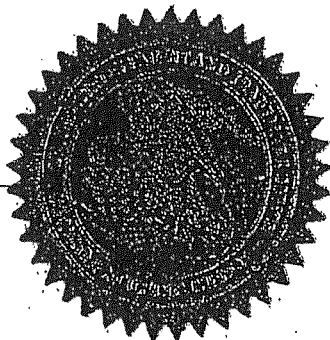
December 05, 2005

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,796,480 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *December 23, 2003*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office


N. WILLIAMS
Certifying Officer



Int. Cl.: 9

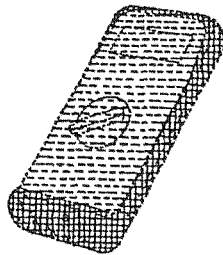
Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 2,796,480

Registered Dec. 23, 2003

TRADEMARK
PRINCIPAL REGISTER



FLUKE CORPORATION (WASHINGTON COR-
PORATION)
6920 SEAWAY BOULEVARD
EVERETT, WA 98203

FOR: ELECTRONIC TEST AND MEASURING
INSTRUMENTS AND DEVICES, AND PORTABLE
ELECTRONIC TEST TOOLS, NAMELY, DIGITAL
MULTIMETERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36
AND 38).

FIRST USE 0-0-1988; IN COMMERCE 0-0-1988.

THE DRAWING IS LINED FOR THE COLORS
DARK GRAY AND YELLOW.

THE MARK CONSISTS OF THE COLORS DARK
GRAY AND YELLOW AS APPLIED TO THE
GOODS. THE DOTTED OUTLINE OF THE GOODS
IS INTENDED TO SHOW THE POSITION OF THE
MARK AND IS NOT A PART OF THE MARK.

SEC. 2(F).

SER. NO. 75-934,005, FILED 3-3-2000.

GLENN CLARK, EXAMINING ATTORNEY

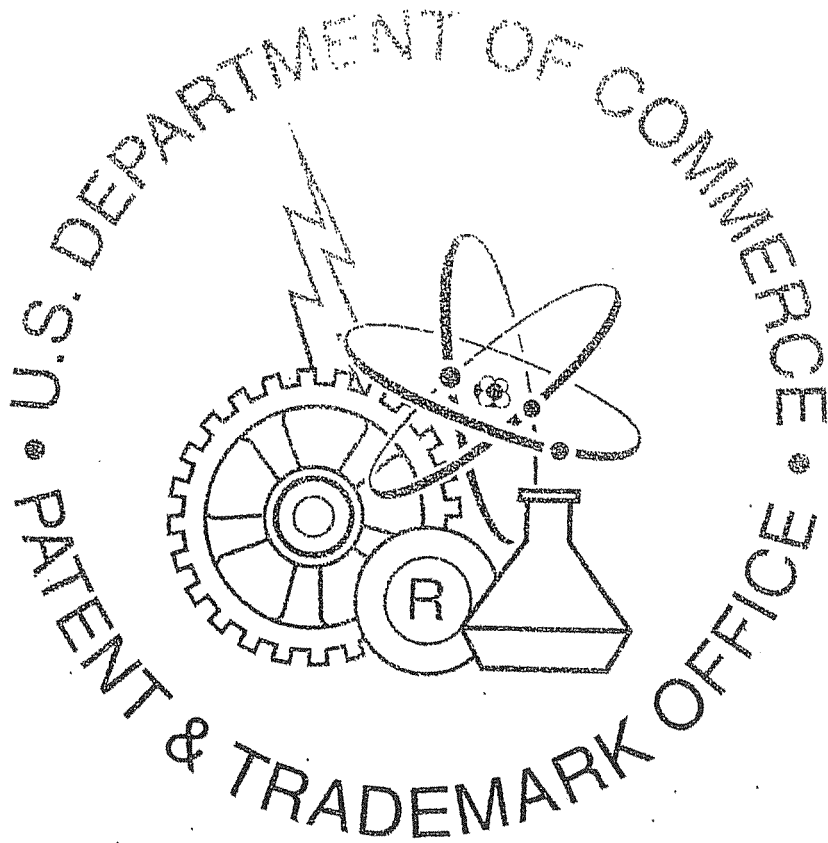
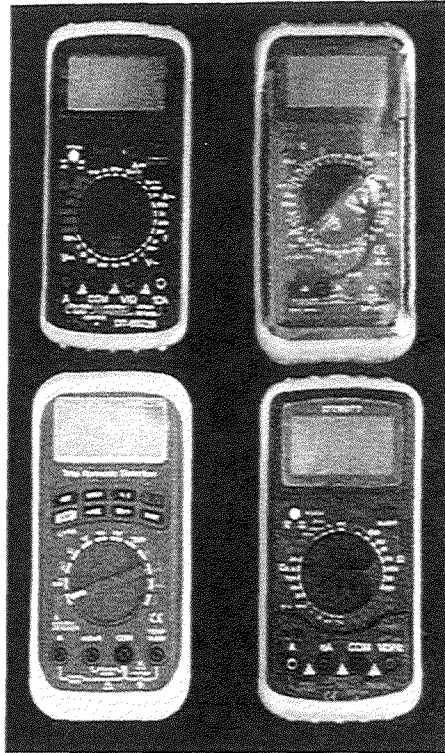


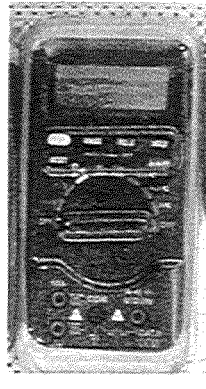
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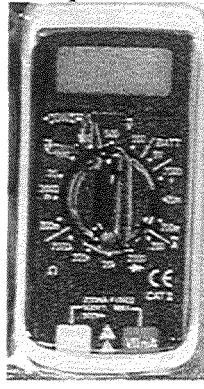
Circuit Specialists



Digitek



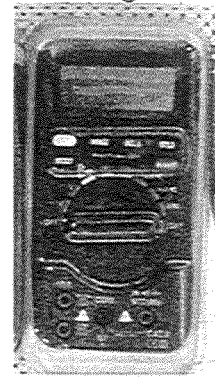
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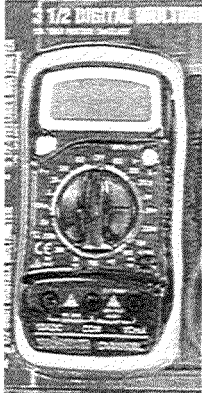
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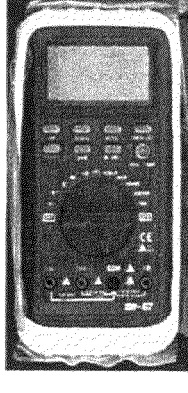
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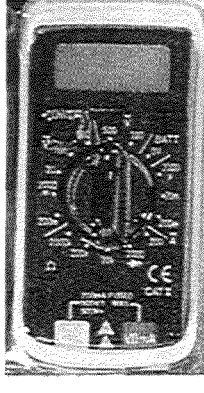
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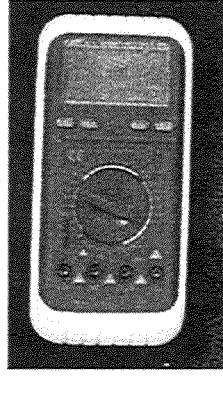
Mastech



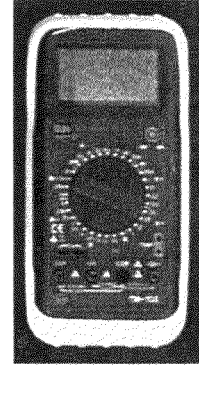
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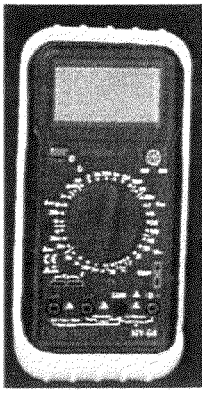
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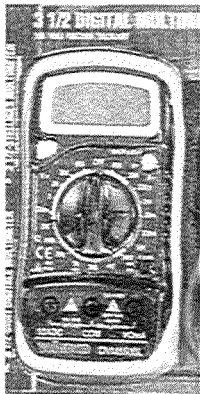
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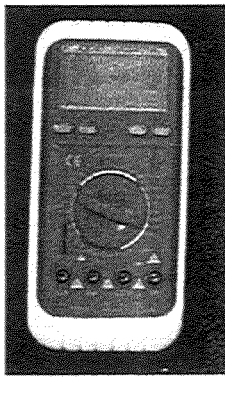
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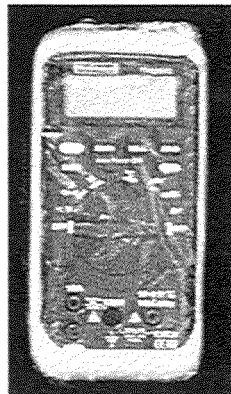
Velleman



Altadox



Kaito



UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN DIGITAL MULTIMETERS,
AND PRODUCTS WITH MULTIMETER
FUNCTIONALITY**

Inv. No. 337-TA-588

ORDER TO CEASE AND DESIST

IT IS HEREBY ORDERED THAT Electronix Express cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), and soliciting U.S. agents or distributors for, digital multimeters and products with multimeter functionality that are covered by United States Trademark Registration No. 2,796,480 (“the ‘480 mark”) and/or digital multimeter or products with multimeter functionality having a dark-colored body or face surrounded by a yellow border, frame, molding, overlay, perimeter, holder and/or holster, in violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I. Definitions

As used in this Order:

(A) “Commission” shall mean the United States International Trade Commission.

(B) “Complainant” shall mean Fluke Corporation (“Fluke”) of Everett, Washington.

(C) “Respondent” means Electronix Express, a division of R.S.R. Electronics, Inc., 365 Blair Road, Avenel, New Jersey 07001.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “protected trade dress” shall mean digital multimeter or products with multimeter functionality having a dark-colored body or face surrounded by a yellow border, frame, molding, overlay, perimeter, holder and/or holster a dark-colored body or face surrounded by a yellow border, holder and/or holster. *See* Exhibit A (photographs of exemplary Fluke digital multimeters).

(H) The term “covered products” shall mean digital multimeters and products with multimeter functionality that are covered by United States Trademark Registration No. 2,796,480 (“the ‘480 mark”) or Fluke’s protected trade dress.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents,

licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, or otherwise on behalf of Respondent.

III. Conduct Prohibited

The following conduct in the United States of Respondent is prohibited by the Order. While the trademark and protected trade dress remain valid and enforceable, Respondent shall not:

- (A) import or sell for importation into the United States covered products;
- (B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation), in the United States imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV. Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, the owner of United States Trademark Registration No. 2,796,480 (“the ‘480 mark”) or the Fluke’s trade dress licenses or authorizes such specific

conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States.

V. Reporting

For purposes of this reporting requirement, the reporting periods shall commence on January 1st of each year and shall end on the subsequent December 31st . However, the first report required under this section shall cover the period from the date of issuance of this Order through December 31st. This reporting requirement shall continue in force until such time as Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of covered products that Respondent has imported or sold in the United States after importation during the reporting period and the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order and for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission, upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so choose, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary form as are required to be retained by subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation,

marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII (A) of this Order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the trademark and trade dress have been abandoned, canceled, or rendered invalid or unenforceable.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Sections V and VI of this Order should be in accordance with Commission Rule 201.6, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75,

including an assessment of civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

X. Modification

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

XI. Bonding

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative under authority delegated by the President, *70 Fed Reg* 43251 (July 21, 2005), subject to Respondent posting a bond of in the amount of 100% of entered value per unit of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this order are subject to the entry bond as set forth in the general exclusion order issued by the Commission, and are not subject to this bond provision.

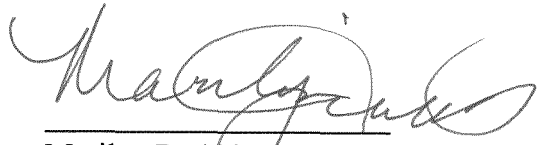
The bond is to be posted in accordance with the procedures established by

the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. *See* Commission Rule 210.68, 19 C.F.R. § 210.68. The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the United States Trade Representative approves, or does not disapprove within the review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved, or not disapproved, by the United States Trade Representative, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

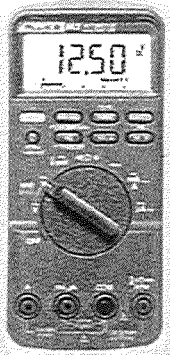
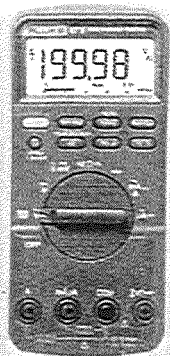
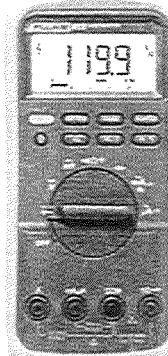
By Order of the Commission.

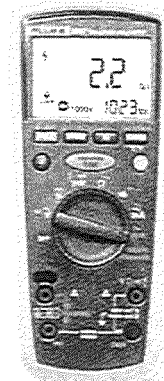
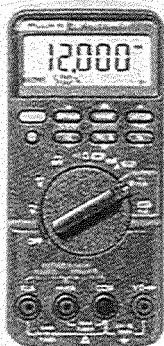
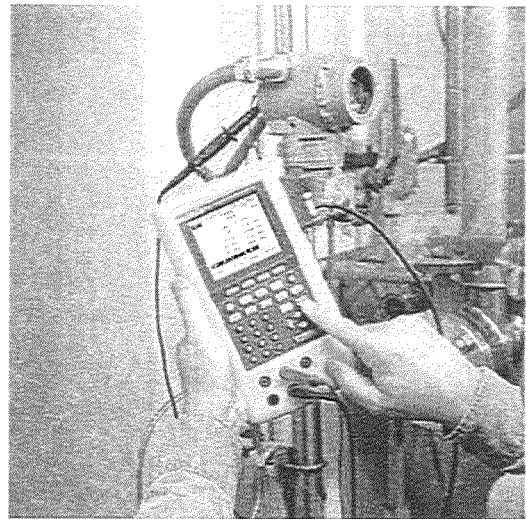
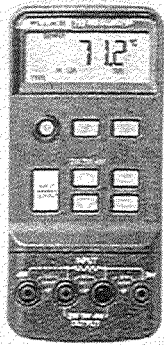
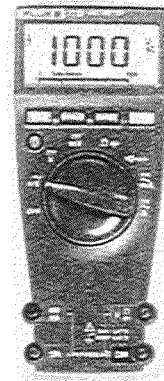
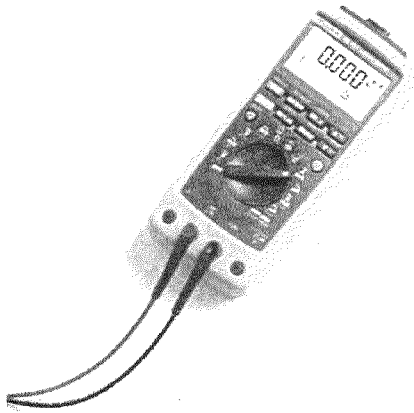
A handwritten signature in cursive script, appearing to read "Marilyn R. Abbott". The signature is written in black ink and is positioned above a horizontal line.

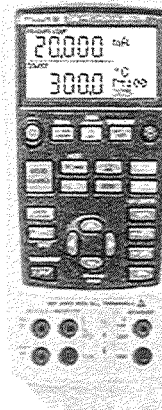
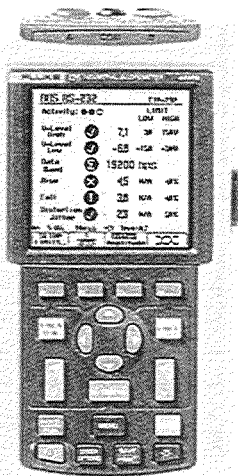
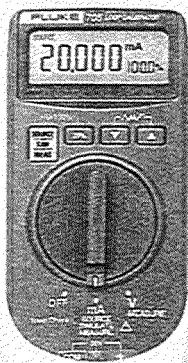
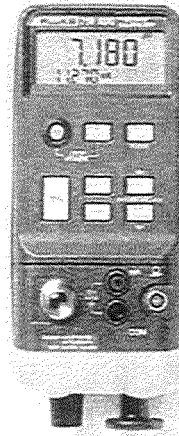
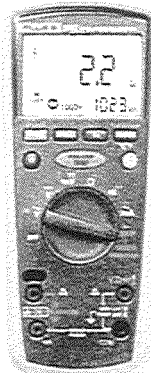
Marilyn R. Abbott
Secretary to the Commission

Issued: May 14, 2008

Exhibit A







UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN DIGITAL MULTIMETERS,
AND PRODUCTS WITH MULTIMETER
FUNCTIONALITY**

Inv. No. 337-TA-588

ORDER TO CEASE AND DESIST

IT IS HEREBY ORDERED THAT HandsOnTools cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), and soliciting U.S. agents or distributors for, digital multimeters and products with multimeter functionality that are covered by United States Trademark Registration No. 2,796,480 (“the ‘480 mark”) and/or digital multimeter or products with multimeter functionality having a dark-colored body or face surrounded by a yellow border, frame, molding, overlay, perimeter, holder and/or holster, in violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I. Definitions

As used in this Order:

(A) “Commission” shall mean the United States International Trade Commission.

(B) “Complainant” shall mean Fluke Corporation (“Fluke”) of Everett, Washington.

(C) “Respondent” means HandsOnTools, 1001 -A E Harmony Rd Suite: 332, Fort Collins, Colorado 80525.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “protected trade dress” shall mean digital multimeter or products with multimeter functionality having a dark-colored body or face surrounded by a yellow border, frame, molding, overlay, perimeter, holder and/or holster a dark-colored body or face surrounded by a yellow border, holder and/or holster. *See* Exhibit A (photographs of exemplary Fluke digital multimeters).

(H) The term “covered products” shall mean digital multimeters and products with multimeter functionality that are covered by United States Trademark Registration No. 2,796,480 (“the ‘480 mark”) or Fluke’s protected trade dress.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents,

licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, or otherwise on behalf of Respondent.

III. Conduct Prohibited

The following conduct in the United States of Respondent is prohibited by the Order. While the trademark and protected trade dress remain valid and enforceable, Respondent shall not:

- (A) import or sell for importation into the United States covered products;
- (B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation), in the United States imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV. Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, the owner of United States Trademark Registration No. 2,796,480 (“the ‘480 mark”) or the Fluke’s trade dress licenses or authorizes such specific

conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States.

V. Reporting

For purposes of this reporting requirement, the reporting periods shall commence on January 1st of each year and shall end on the subsequent December 31st. However, the first report required under this section shall cover the period from the date of issuance of this Order through December 31st. This reporting requirement shall continue in force until such time as Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of covered products that Respondent has imported or sold in the United States after importation during the reporting period and the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order and for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission, upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so choose, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary form as are required to be retained by subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation,

marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII (A) of this Order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the trademark and trade dress have been abandoned, canceled, or rendered invalid or unenforceable.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Sections V and VI of this Order should be in accordance with Commission Rule 201.6, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75,

including an assessment of civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

X. Modification

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

XI. Bonding

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative under authority delegated by the President, 70 *Fed Reg* 43251 (July 21, 2005), subject to Respondent posting a bond of in the amount of 100% of entered value per unit of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this order are subject to the entry bond as set forth in the general exclusion order issued by the Commission, and are not subject to this bond provision.

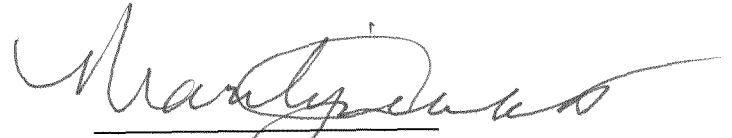
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By Order of the Commission.

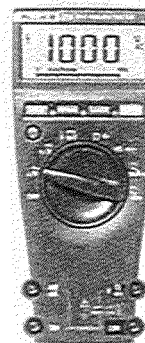
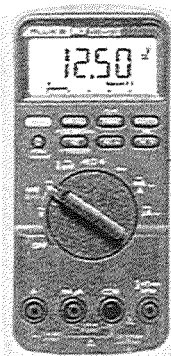
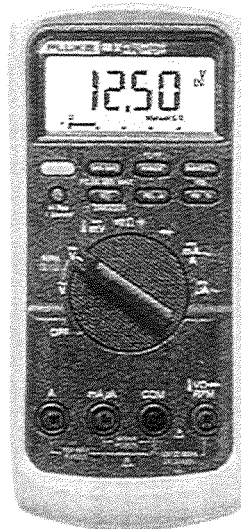
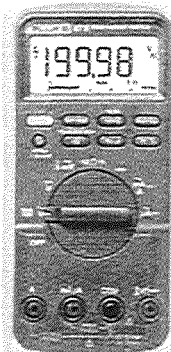
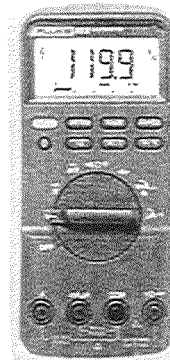
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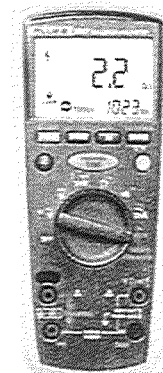
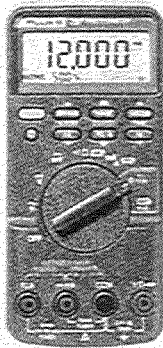
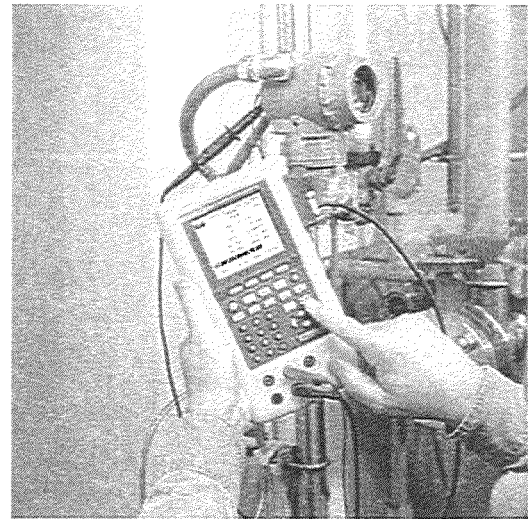
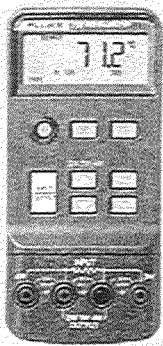
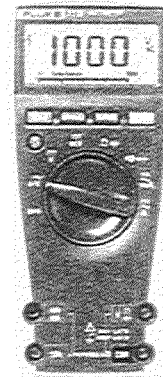
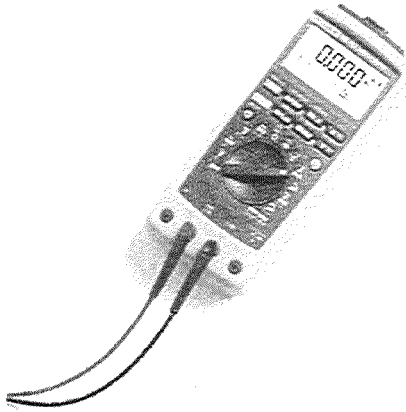
Marilyn R. Abbott
Secretary to the Commission

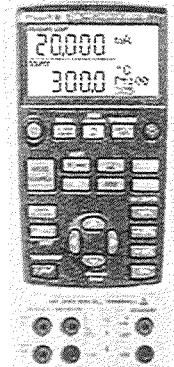
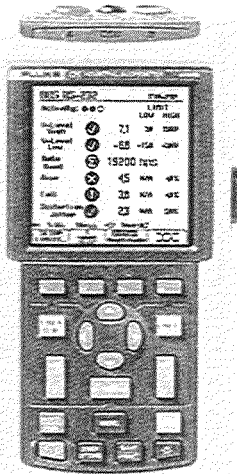
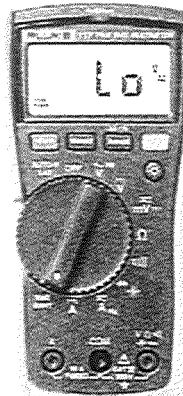
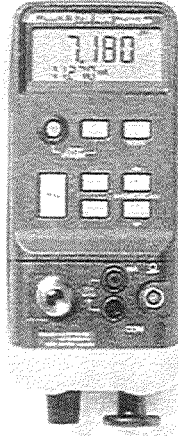
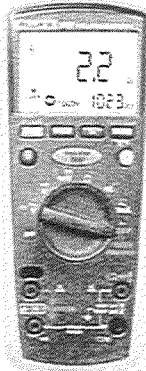
Issued: May 14, 2008

Exhibit A

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**CERTAIN DIGITAL MULTIMETERS, AND PRODUCTS
WITH MULTIMETER FUNCTIONALITY**

337-TA-588

PUBLIC CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **ISSUANCE OF GENERAL EXCUSION ORDER AND CEASE AND DESIST ORDERS; TERMINATION OF THE INVESTIGATION** has been served by hand upon the Commission Investigative Attorney, Anne Goalwin, Esq., and the following parties as indicated, on
May 15, 2008



Marilyn R. Abbott, Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

**ON BEHALF OF COMPLAINANT FLUKE
CORPORATION:**

Peter E. Moll, Esq.
Cecilia H. Gonzalez, Esq.
John J. Rosenthal, Esq.
HOWREY LLP
1299 Pennsylvania Avenue, NW
Washington, DC 20004
P-202-783-0800

- Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

RESPONDENTS:

HandsOnTools
1001-A E Harmony Rd., Suite 332
Fort Collins, Colorado 80525

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

Electronix Express
a division of R.S.R. Electronics, Inc.
365 Blair Road
Avenel, NJ 07001

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

GOVERNMENT AGENCIES:

Edward T. Hand, Chief
Foreign Commerce Section
Antitrust Division
U.S. Department of Justice
601 Street, NW, Room 10023
Washington, DC 20530

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

George F. McCray, Chief
Intellectual Property Rights Branch
U.S. Bureau of Customs and Border Protection
Mint Annex Building
1300 Pennsylvania Avenue, NW
Washington, DC 20229

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

Elizabeth Kraus, Deputy Director
International Antitrust
Federal Trade Commission
600 Pennsylvania Avenue, Room 498
Washington, DC 20580

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

Richard Lambert, Esq.
Office of General Counsel
Dept. of Health & Human Services
National Institutes of Health
Building 31, Room 2B50
9000 Rockville Pike
Bethesda, MD 20892-2111

- Via Hand Delivery
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- Via First Class Mail
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