

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN GLOW FISH TAPE SYSTEMS,
SAFETY HELMET SYSTEMS, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1442

**NOTICE OF A COMMISSION DETERMINATION TO EXTEND THE DEADLINE FOR
DETERMINING WHETHER TO REVIEW A FINAL INITIAL DETERMINATION
FINDING A VIOLATION OF SECTION 337**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“the Commission”) has determined to extend the deadline for determining whether to review a final initial determination (“FID”) issued by the presiding chief administrative law judge (“CALJ”) in the above-captioned investigation finding a violation of section 337 of the Tariff Act of 1930.

FOR FURTHER INFORMATION CONTACT: Carl Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, D.C. 20436, telephone 202-205-2382. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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: On March 19, 2025, the Commission instituted this investigation based on a complaint, as supplemented, filed by Klein Tools, Inc., of Lincolnshire, Illinois (“Klein”) alleging violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain glow fish tape systems, safety helmet systems, and components thereof by reason of the infringement of asserted claims 1, 3-8, 10-11, and 13-17 of U.S. Patent Nos. 11,452,327 (“the ’327 patent”); claims 6, 8-9, 11, and 14-17 of U.S. Patent No. 11,713,209 (“the ’209 patent”); and claims 1-2, 4, 6-8, 10, and 14-17 of U.S. Patent No. 12,187,573 (“the ’573 patent”). 90 FR 12790 (Mar. 19, 2025). The complaint further alleges that a domestic industry exists. *Id.* The Commission’s notice of investigation named as respondent Milwaukee Electric Tool Corporation, of Brookfield, Wisconsin (“Milwaukee”). *Id.* The Office of Unfair Import Investigations is not participating in the investigation. *Id.*

On May 30, 2025, the Commission amended the notice of investigation to include allegations of infringement of claims 1-4 of U.S. Patent No. 12,268,265 (“the ’265 patent”). Order No. 6 (May 1, 2025), *unreviewed by* Comm’n Notice (May 30, 2025). The ’265 patent and related ’327 patent are referred to collectively herein as the “Helmet Patents.” The ’209 patent and related ’573 patent are referred to collectively herein as the “Glow Fish Tape Patents.”

On December 12, 2025, the Commission partially terminated the investigation with respect to claims 1, 3-7, 11, and 16 of the ’327 patent; claims 11 and 14-17 of the ’209 patent; and claims 1-2, 4, 10, and 14-17 of the ’573 patent. Order No. 14 (Nov. 20, 2025), *unreviewed by* Comm’n Notice (Dec. 12, 2025). On January 28, 2026, the Commission partially terminated the investigation with respect to claims 13-15 of the ’327 patent, claims 8 and 9 of the ’209 patent, and claims 7 and 8 of the ’573 patent.

On January 20, 2026, the Commission granted Klein’s motion for summary determination that the domestic industry requirement is satisfied as to both Glow Fish Tape Patents. Order No. 17 (Dec. 19, 2025), *unreviewed by* Comm’n Notice (Jan. 20, 2026).

The presiding CALJ held an evidentiary hearing from January 5-8, 2026. By the time of the hearing, the claims of the Helmet Patents still at issue for infringement or domestic industry purposes were claims 8, 10, and 17 of the ’327 patent and claims 1-4 of the ’265 patent. The claims of the Glow Fish Tape Patents still at issue for either purpose were claims 1, 5, and 6 of the ’209 patent and claims 1, 5, and 6 of the ’573 patent.

On June 5, 2026, the CALJ issued the FID finding a violation of section 337 with respect to the ’265 patent but not the ’327 patent or either of the Glow Fish Tape Patents. *Id.*

The FID also includes the CALJ’s Recommendation on Remedy and Bond (“RD”). The CALJ recommends that if a violation is found, the Commission should issue a limited exclusion order and cease and desist order against Milwaukee with respect to the asserted claims of the ’265 patent. The RD also recommends that the Commission set a bond in the amount of 100 percent of the entered value of covered hard hats and safety helmet products that may be imported during the 60-day period of Presidential review.

On June 22, 2026, both Milwaukee and Klein filed petitions or contingent petitions for review of certain adverse findings in the FID. On June 30, 2026, the parties filed their respective responses to the opposing party’s petition.

On July 10, 2026, Klein’s counsel submitted a letter to the Commission identifying certain allegedly false statements in Milwaukee’s opposition to Klein’s petition. On the same date, Milwaukee’s counsel submitted a response, to which it attached a copy of a letter to Klein’s counsel dated July 8, 2026, explaining why Milwaukee’s representations are allegedly correct.

On July 15, 2026, the Commission issued a notice requesting submissions on public interest issues raised by the recommended relief, should the Commission find a violation.

91 FR 43402-03 (July 15, 2026). The Commission has not received any third-party responses to date.

The Commission has determined to extend its deadline for determining whether to review the FID to September 3, 2026, pursuant to Commission Rule 210.42(h)(2), 19 CFR 210.42(h)(2).

The Commission vote for this determination took place on August 24, 2026.

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 Part 210 of the Commission's Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', enclosed within a thin black rectangular border.

Lisa R. Barton
Secretary to the Commission

Issued: August 24, 2026