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 TARGET DATE FOR COMPLETION OF THIS INVESTIGATION

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 target date for completion of this investigation to November 4, 2026.

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 certain asserted claims of U.S. Patent Nos. 11,452,327 ("the '327 patent"), 11,713,209 ("the '209 patent"), and 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 certain asserted claims 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 as the "Helmet Patents." The '209 patent and related '573 patent are referred to collectively as the "Glow Fish Tape Patents."

On December 12, 2025, the Commission partially terminated the investigation with respect to certain asserted claims of the '327 patent, '209 patent, and '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 certain asserted claims of the '327 patent, '209 patent, and '573 patent. Order No. 19 (Jan. 5, 2026), *unreviewed by* Comm'n Notice (Jan. 28, 2026).

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 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 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 final initial determination ("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. Upon review of the letters, the Commission declined to consider them because they are not permissible under the Commission's rules.

The parties did not submit statements concerning the public interest pursuant to Commission Rule 210.50(a)(4)(i), 19 C.F.R. § 210.50(a)(4)(i). The Commission also did not receive any submissions in response to its request for submissions from interested third

parties or government agencies on remedy and the public interest factors. 91 FR 43402-03 (July 15, 2026).

On September 3, 2026, the Commission determined to review the FID in part. With respect to the Helmet Patents, the Commission determined to review the FID's finding that: (i) the asserted claims of the '265 patent and '327 patent are not obvious under 35 U.S.C. 103 and (ii) Klein satisfied the economic prong of the domestic industry requirement. With respect to the Glow Fish Tape Patents, the Commission has determined to review: (i) the construction of the claim term "wherein at least a portion of the case is configured to allow the luminescent material to be energized by light passing through the portion" in the '573 patent and related findings; (ii) the finding of non-infringement of the '209 and '573 patents, both literal and under the doctrine of equivalents; and (iii) the finding that the asserted claims of the Glow Fish Tape Patents are not invalid as obvious. The Commission determined not to review the remainder of the FID. The Commission also asked the parties to brief several questions relating to some of the issues under review and to provide additional briefing relating to remedy, the public interest, and bond.

The parties filed their initial responses to the Commission's questions on September 18, 2026, and their respective responses to the opposing party's initial response on September 25, 2026.

The Commission has determined to extend the target date for completion of this investigation to November 4, 2026.

The Commission vote for this determination took place on November 2, 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.



Lisa R. Barton
Secretary to the Commission

Issued: November 2, 2026