

FOR FURTHER INFORMATION CONTACT:

Michael Diehl, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-3095. Copies of 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, DC 20436, telephone 202-205-2000. General information concerning the Commission may 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 the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: This trademark-based section 337 investigation was instituted by the Commission based on a complaint filed by Kimberly-Clark Corporation of Irving, Texas and Safeskin Corporation of Roswell, Georgia (collectively "K-C/Safeskin"). 68 FR 66491 (Nov. 26, 2003). K-C/Safeskin alleged violations of section 337 of the Tariff Act of 1930 in the importation and sale of certain purple protective gloves by reason of infringement of U.S. Registered Trademark Nos. 2,596,539, 2,533,260, and 2,593,382.

Six of the seven respondents named in the complaint entered into settlement agreements with K-C/Safeskin. On May 24, 2004, the administrative law judge ("ALJ") issued an initial determination ("ID") (Order No. 15) terminating the investigation as to Latexx Partners Berhad and Medtexx Partners on the basis of a confidential settlement agreement. On June 1, 2004, the ALJ issued another ID (Order No. 16), terminating the investigation as to The Delta Group; Delta Hospital Supply, Inc.; Delta Medical Systems, Inc.; and Delta Medical Supply Group, Inc. on the basis of a settlement agreement and a consent order. The Commission determined not to review the IDs on June 22, 2004.

The seventh respondent—Dash Medical Gloves, Inc. ("Dash")—failed to file a timely response to the complaint and notice of investigation. Dash filed a motion for termination of the investigation as to it by entry of a consent order. Subsequently, in response to an order to show cause why it should not be held in default, Dash

withdrew its request for termination by entry of consent and indicated that it "will not 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 CFR 210.41 and 210.50).

By order of the Commission.

Issued: December 22, 2004.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04-28337 Filed 12-27-04; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-517]

In the Matter of Certain Shirts With Pucker-Free Seams and Methods of Producing Same—Notice of Decision Not To Review an Initial Determination Partially Terminating the Investigation on the Basis of Withdrawal of Certain Allegations in the Complaint

AGENCY: 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) issued by the presiding administrative law judge (ALJ) in the above-captioned investigation partially terminating the investigation on the basis of withdrawal of certain allegations in the complaint.

FOR FURTHER INFORMATION CONTACT: Andrea Casson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-3104. 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, DC 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 the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 3, 2004, based on a complaint filed by TAL Apparel Limited, TALTECH Limited, and The Apparel Group Limited (collectively "TAL.") 69 FR 47857 (August 6, 2004.) The complaint alleges violations of section 337 of the Tariff Act of 1930, 337 U.S.C. 1337, in the importation into the United States, sale for importation, and/or sale within the United States after importation of certain shirts with pucker-free seams that infringe claims 1, 4, 20 and 22 of U.S. Patent No. 5,568,779 (the '779 patent); claims 1, 11, 19 and 26 of U.S. Patent No. 5,590,615 (the '615 patent); claims 1, 3, 13 and 16

of U.S. Patent No. 5,713,292 (the '292 patent); and claims 16, 19, 35 and 38 of U.S. Patent No. 6,0079,343 (the '343 patent). The complaint names as respondents Esquel Apparel, Inc. and Esquel Enterprises Limited (collectively "Esquel"). On October 4, 2004, the Commission issued a notice of determination not to review an ID (Order No. 4) granting TAL's motion to amend the complaint and notice of institution to amend the complaint to add an additional related patent, U.S. Patent No. 5,775,394 (the '394 patent) to the investigation. 69 FR 60422 (Oct. 8, 2004).

On October 4, 2004 TAL moved to withdraw the allegations of infringement with respect to the '292, '343, and '394 patents. Neither Esquel nor the Commission investigative attorney opposed the motion. On November 29, 2004, the presiding administrative law judge issued an ID (Order No. 5) granting TAL's motion to partially terminate the investigation on the basis of withdrawal of all allegations of infringement relating to the claims of the '292 patent, the '343 patent, and the '394 patent. 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, 19 U.S.C. 1337, and sections 210.21(a)(1) and 210.42(h) of the Commission Rules of Practice and Procedure, 19 CFR 210.21(a)(1) and 210.42(h).

By order of the Commission.

Issued: December 21, 2004.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04-28338 Filed 12-27-04; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. TA-2104-18]

U.S.-Central America Free Trade Agreement: Potential Economywide and Selected Sectoral Effects

AGENCY: International Trade Commission.

ACTION: Institution of investigation.

SUMMARY: Following receipt on November 17, 2004, of a request from the United States Trade Representative (USTR), the Commission instituted investigation No. TA-2104-18, U.S.-Central America Free Trade Agreement: Potential Economywide and Selected Sectoral Effects, under section 2104(f) of the Trade Act of 2002 (19 U.S.C. 3804(f)).

Background

As requested by the USTR, the Commission will prepare a report as specified in section 2104(f)(2)-(3) of the Trade Act of 2002 (the Trade Act) assessing the likely impact of the U.S. free trade agreement (FTA) with Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua (Central America) on the United States economy as a whole and on specific industry sectors and the interests of U.S. consumers.

Section 2104(f)(2) requires that the Commission submit its report to the President and the Congress not later than 90 days after the President enters into the agreement, which he can do 90 days after he notifies the Congress of his intent to do so. The President notified Congress of his intent to enter into an FTA with Central America on February 20, 2004. At that time, the President also stated that negotiations were under way to integrate the Dominican Republic into the FTA with Central America. That FTA was signed on August 5, 2004, and the Commission provided its report (U.S.-Central America-Dominican Republic Free Trade Agreement: Potential Economywide and Selected Sectoral Effects, Inv. No. TA-2104-13, publication 3717) on August 27, 2004. A public hearing for that investigation was held on April 27, 2004.

In his letter the USTR stated that the Dominican Republic subsequently (on October 1, 2004) enacted a tax on beverages sweetened with high fructose corn syrup that the United States regards as incompatible with the Dominican Republic's obligations under the signed FTA. He said that as a result of that action he informed Congress on October 1, 2004, that he would not recommend including the Dominican Republic in the legislation to implement the FTA signed on August 5, 2004 if the Dominican tax remained in place, and that the Administration would take steps to move forward with an FTA with the Central American countries. He said that the FTA with the Central American countries "otherwise is the same as the one that the Commission has already assessed" that included the Dominican Republic. In his letter requesting a new Commission report, the USTR asked the Commission to supplement its August 27 report by assessing the likely impact of a free trade agreement with Central America on the United States economy as a whole and on specific industry sectors and the interests of U.S. consumers.

As specified in section 2104(f)(2)-(3) of the Trade Act, the Commission's report will assess the likely impact of the FTA on the United States economy

as a whole and on specific industry sectors, including the impact the agreement will have on the gross domestic product, exports and imports, aggregate employment and employment opportunities, the production, employment, and competitive position of industries likely to be significantly affected by the FTA, and the interests of U.S. consumers. In preparing its assessment, the Commission will review available economic assessments regarding the FTA, including literature regarding any substantially equivalent proposed agreement, and provide in its assessment a description of the analyses used and conclusions drawn in such literature, and a discussion of areas of consensus and divergence between the various analyses and conclusions, including those of the Commission regarding the agreement. Section 2104(f)(2) requires that the Commission submit its report to the President and Congress not later than 90 days after the President enters into an agreement with the five Central American countries.

EFFECTIVE DATE: December 28, 2004.

FOR FURTHER INFORMATION CONTACT:

James Stamps, Project Leader, Office of Economics (202-205-3227 or james.stamps@usitc.gov). For information on the legal aspects of this investigation, contact William Gearhart of the Office of the General Counsel (202-205-3091 or william.gearhart@usitc.gov). For media information, contact Peg O'Laughlin (202-205-1819). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202-205-1810).

Public Hearing: A public hearing in connection with this investigation is scheduled to begin at 9:30 a.m. on January 18, 2005, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. All persons have the right to appear by counsel or in person, to present information, and to be heard. Persons wishing to appear at the public hearing should file a letter with the Secretary, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436, no later than the close of business (5:15 p.m.) on January 4, 2005. In addition, persons appearing should file prehearing briefs (original and 14 copies) with the Secretary by the close of business on January 4, 2005. Posthearing briefs should be filed with the Secretary by the close of business on January 26, 2005. In the event that no requests to appear at the hearing are received by the close of business on January 4, 2005, the hearing will be