



INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1409]

Certain Storage Containers and Toolboxes, Organizers, Component Boxes, and Coolers; Notice of a Commission Determination to Find a Violation of Section 337; Issuance of Remedial Orders; Continued Proceedings as to One Patent; Extension of Target Date

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to find a violation of section 337 of the Tariff Act of 1930, as amended, with respect to U.S. Patent Nos. 11,365,026 (“the ’026 patent”) and 11,794,952 (“the ’952 patent”). The Commission has determined that the appropriate remedy is the issuance of a limited exclusion order (“LEO”) and a cease and desist order (“CDO”) with respect to those patents.

The Commission has further determined to set a bond in the amount of eighteen percent (18%) of entered value for covered articles imported or sold during the period of Presidential review. The Commission has not reached a final determination with respect to U.S. Patent No. 11,952,167 (“the ’167 patent”). The target date for completion of the above-captioned investigation is extended to November 2, 2026.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3042. 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: The Commission instituted this investigation on July

19, 2024, based upon a complaint filed on behalf of Milwaukee Electric Tool Corporation of Brookfield, Wisconsin and Keter Home and Garden Products Ltd. of Israel (collectively, “Complainants”). 89 FR 58764-65 (July 19, 2024). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain storage containers and toolboxes, organizers, component boxes, and coolers by reason of infringement of certain claims of the ’026 patent, the ’952 patent, and the ’167 patent. The Commission's notice of investigation named as the respondent Klein Tools, Inc. of Lincolnshire, Illinois (“Klein”). The Office of Unfair Import Investigations is not a party to this investigation.

Over the course of the investigation, Complainants withdrew their allegations as to certain asserted claims. *See* Order No. 15 (Jan. 24, 2025), *unreviewed by* Comm’n Notice (Feb. 18, 2025); Order No. 19 (Feb. 11, 2025), *unreviewed by* Comm’n Notice (Feb. 24, 2025); Order No. 20 (Feb. 27, 2025), *unreviewed by* Comm’n Notice (Mar. 13, 2025). The asserted claims that remain are claims 4 and 8 of the ’026 patent; claims 3, 4, 8, and 16 of the ’952 patent; and claims 2, 5, 8, 14, and 15 of the ’167 patent. *See* Order No. 20 at 2 n.1.

On August 1, 2025, the Chief Administrative Law Judge (“CALJ”) issued a final initial determination (“FID”), which finds a violation of section 337. Specifically, the FID finds that claims 4 and 8 of the ’026 patent; claims 3, 4, 8, and 16 of the ’952 patent; and claims 2, 5, 8, 14, and 15 of the ’167 patent are infringed and not invalid. The FID also finds that the domestic industry requirement has been satisfied for each of the Asserted Patents pursuant to section 337(a)(3)(A) and (B). The FID declines to make findings as to whether Complainants have satisfied the domestic industry requirement under section 337(a)(3)(C). The FID also includes the CALJ’s Recommended Determination, which recommends that, if the Commission finds a violation of section 337, then the Commission should issue a limited exclusion order, a cease and desist order against Klein, and impose a bond of 63 percent of the entered value of infringing

articles imported during the period of Presidential review.

On August 15, 2025, Klein filed a petition for Commission review of the FID as to the economic and technical prongs of the domestic industry requirement, and invalidity based on certain prior art. On August 28, 2025, Complainants filed a response to the petition.

On September 2, 2025, Complainants filed a public interest submission pursuant to Commission Rule 210.50(a)(4)(i), 19 CFR 210.50(a)(4)(i). The Commission did not receive any submissions pursuant to the *Federal Register* notice published after issuance of the RD. *See* 90 FR 38175-76 (Aug. 7, 2025).

On January 21, 2026, the Commission determined to review “the FID’s findings concerning the economic prong of the domestic industry requirement, patent invalidity, and the technical prong of the domestic industry requirement, as well as any underlying claim construction findings.” 91 FR 3220 (Jan. 26, 2026). The Commission determined not to review the remainder of the FID’s findings.

The Commission also sought briefing from the parties on certain issues under review and from the parties, interested government agencies, and other interested parties on the issues of remedy, the public interest, and bonding. *Id.*

On February 4, 2026, the Commission received initial submissions from the parties. On February 11, 2026, the Commission received reply submissions from the parties. The Commission received no other submissions.

Having examined the record of this investigation, including the FID, petition, response, and other submissions from the parties, the Commission has determined to find a violation of section 337 with respect to the ’952 and ’026 patents. Specifically, the Commission has determined to: (1) set aside the FID’s finding as to date of the Auer Catalog, but otherwise affirm the FID’s finding that Klein failed to show by clear and convincing evidence that any asserted claim was invalid; (2) vacate the FID’s alternative reasoning that the technical prong would be satisfied even under Klein’s claim construction proposal for “rib extending [away]

from the back wall,” but otherwise affirm the FID’s finding that the technical prong of the domestic industry requirement is satisfied for each asserted claim; and (3) affirm under modified reasoning the FID’s finding that the economic prong requirement is satisfied under subsection 337(a)(3)(B) with respect to the ’026 and ’952 patents. The Commission has not reached a final determination with respect to the ’167 patent.

For remedy, the Commission has determined to issue an LEO and a CDO against Klein prohibiting further importation and sale of covered products. The Commission has determined that the public interest factors do not counsel against issuing remedial orders. The Commission has determined that a bond in the amount of eighteen percent (18%) of entered value for covered articles is required for covered products imported or sold during the period of Presidential review.

The investigation is hereby terminated with respect to the ’952 and ’026 patents. The ’167 patent remains pending at the Commission. A Commission opinion issued concurrently with this notice.

The target date for completion of the investigation is extended to November 2, 2026.

The Commission vote for this determination took place on September 29, 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.

Issued: September 29, 2026.

Lisa Barton,

Secretary to the Commission.