

November 3, 2006

ENT-14 FO:TEF:TEO:TO JS

MEMORANDUM FOR: DIRECTORS, FIELD OPERATIONS

FROM: Executive Director, Trade Enforcement and Facilitation  
Office of Field Operations

SUBJECT: TBT-06-022 Expiration of the Patent and Exclusion Order  
(337-TA-324) on Certain Acid-Washed Denim Garments and  
Accessories

BACKGROUND:

The United States Patent and Trademark Office granted a patent for a specific method of producing a random-faded effect (commonly known as "acid-washed") on cloth or made-up garments, and the end-product obtained by such a method. This patent became effective October 22, 1986. In 1992, The United States International Trade Commission initiated an investigation into infringement violations of this patent and issued an exclusion order on goods that are manufactured abroad by any process covered by the patent, thereby excluding them from entry into the U.S. for the remaining term of the patent. As a result of this exclusion order, CBP has been requiring a denim certificate for shipments of acid-washed denim garments and/or accessories, certifying that the processes used on these shipments are not infringing.

ACTION:

On October 22, 2006, both the patent and exclusion order expired. Therefore, CBP will no longer require a denim certificate to be filed as part of the entry documentation for shipments of acid-washed denim garments and/or accessories.

INFORMATION:

If you have any questions regarding this administrative message, please contact Ms. Jacqueline Sprungle, at (202) 344-2277, Ms. Susan Thomas, at (202) 344-3719 or Mr. Robert Abels, at (202) 344-1959.

(signed Janet L. Labuda for)  
Vera Adams