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August 13, 2010

The Honorable Marilyn R. Abbott
Secretary
U.S. International Trade Commission
500 E Street S.W.
Washington, DC 20436

Re: Certain Adjustable-Height Beds
and Components Thereof, Docket No. 2747

Dear Secretary Abbott:

In response to the Commission's Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest (75 F.R. 48724, Aug. 11, 2010), the following comments are submitted on behalf of Medical Depot, Inc. d/b/a Drive Medical Design and Manufacturing.

As one of the enumerated public interest elements, protection of the public health and welfare was of key importance to Congress when it instructed the Commission to consider the public interest before issuing relief in a Section 337 investigation. Particular notice, therefore, should be taken when a Section 337 complaint has the potential to impact negatively the healthcare industry. The Commission has previously concluded that access to necessary medical equipment, such as hospital beds, is a significant public interest consideration that could warrant denial of relief. *See, Certain Fluidized Apparatus and Components Thereof*, Inv. No. 337-TA-182/188, USITC Pub. 1667, Comm'n Op. at 23-25 (Oct. 1984).

At issue in this case are hospital beds, such as those used for recovering patients and patients requiring long term care. Home healthcare is becoming an increasingly important option for these patients. As Complainant Invacare Corp. ("Invacare") notes in its 2009 Annual Report, "patients overwhelmingly prefer care and treatment in their home." Invacare Corp. 2009 Annual Report and Form 10-K at I-4 (Exhibit 5 to the Complaint). Invacare goes on to note that "homecare results in faster recovery and better outcomes" and "is more cost-effective and comfortable than institutional care." *Id.* Home healthcare products such as adjustable-height beds are thus the type of products to which Congress intended the Commission to give additional scrutiny as a part of the public interest analysis

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before granting relief in a Section 337 investigation, as highlighted by the *Certain Fluidized Apparatus* decision.

Accordingly, should the Commission institute an investigation based on Invacare's complaint, it should give the public interest full consideration, including the taking of public interest evidence, before issuing any relief.

Respectfully submitted,



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