

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN L-TRYPTOPHAN,
L -TRYPTOPHAN PRODUCTS, AND
THEIR METHODS OF PRODUCTION**

Investigation No. 337-TA-1005

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANTS' UNOPPOSED MOTION FOR
SUMMARY DETERMINATION THAT THEY SATISFY THE ECONOMIC
PRONG OF THE DOMESTIC INDUSTRY REQUIREMENT**

AGENCY: U.S. 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”) (Order No. 18) of the presiding administrative law judge (“ALJ”) granting Complainants’ unopposed motion for summary determination that they satisfy the economic prong of the domestic industry requirement for both asserted patents.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-4716. Copies of non-confidential 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, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.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 Investigation No. 337-TA-1005 on June 14, 2016, based on a complaint filed by Complainants Ajinomoto Co., Inc. of Tokyo, Japan and Ajinomoto Heartland Inc. of Chicago, Illinois (collectively, “Ajinomoto” or “Complainants”). *See* 81 FR 38735-6 (June 14, 2016). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain L-tryptophan, L-tryptophan products, and their methods of production, by reason of infringement of certain claims of U.S. Patent No. 7,666,655 and U.S.

Patent No. 6,180,373 (collectively, “the asserted patents”). *Id.* The notice of investigation identified CJ CheilJedang Corp. of Seoul, Republic of Korea; CJ America, Inc. of Downers Grove, Illinois; and PT CheilJedang Indonesia of Jakarta, Indonesia (collectively “CJ” or “Respondents”) as respondents in this investigation. *See id.* The Office of Unfair Import Investigations is not a party to the investigation.

On March 10, 2017, Complainants filed an unopposed motion for summary determination that they satisfy the economic prong of the domestic industry requirement under 19 U.S.C. 1337(a)(2) and (3) (“Complainants’ Motion”). Complainants identified pharmaceutical grade L-tryptophan and feed-grade L-tryptophan as the domestic industry products. *See* Memorandum in Support of Complainants’ Motion at 1. On April 17, 2017, the ALJ issued the subject ID (Order No. 18) granting Complainants’ unopposed motion for summary determination that they satisfy the economic prong of the domestic industry requirement under 19 U.S.C. 1337(a)(3)(A) (significant investment in plant and equipment) and (B) (significant employment of labor or capital) for both asserted patents. *See* Order No. 18 at 23. The ALJ found that “[b]ased on the undisputed facts presented by Ajinomoto, . . . Ajinomoto has shown that it has a domestic industry in existence with respect to the production of pharmaceutical-grade L-tryptophan at its North Carolina plant, and has shown that it is in the process of establishing a domestic industry with respect to feed-grade L-tryptophan in its [Iowa] plant.” *Id.* at 25. No party petitioned for review.

The Commission has determined not to review the subject ID.

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.

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton
Secretary to the Commission

Issued: May 17, 2017