

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN FOOD SUPPLEMENTS AND
VITAMINS, INCLUDING OCULAR
ANTIOXIDANTS AND COMPONENTS
THEREOF AND PRODUCTS
CONTAINING THE SAME**

Investigation No. 337-TA-1027

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION SETTING A 17-MONTH TARGET DATE**

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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 4) setting a 17-month target date for completion of this investigation.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. 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, S.W., 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 this investigation on November 8, 2016, based on a complaint filed by Kemin Industries, Inc. and Kemin Foods, L.C. both of Des Moines, Iowa. 81 *Fed. Reg.* 78634-35 (Nov. 8, 2016). The complaint alleges violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the sale for importation, importation, and sale within the United States after importation of certain food supplements and vitamins, including ocular antioxidants and components thereof and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 8,815,955 and 9,226,940. The complaint further alleges the existence of a domestic industry. The notice of

investigation named as respondents OmniActive Health Technologies of Mumbai, India and OmniActive Health Technologies, Inc. of Morristown, New Jersey. *Id.* at 78635. The Office of Unfair Import Investigations was not named as a party.

On November 29, 2016, the ALJ issued the subject ID, setting a target date which exceeds 16 months, pursuant to section 210.51(a) of the Commission's Rules of Practice and Procedure (19 C.F.R. ' 210.51(a)).

No petitions for review of the subject ID were filed, and the Commission has determined not to review the 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 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: December 19, 2016