

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN CLIDINIUM BROMIDE
AND PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-1109

**NOTICE OF COMMISSION DECISION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING A JOINT MOTION TO
PARTIALLY TERMINATE THE INVESTIGATION AS TO CERTAIN
RESPONDENTS BASED ON A SETTLEMENT AGREEMENT**

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. 9) of the presiding Administrative Law Judge (“ALJ”) granting a joint motion to partially terminate the investigation as to certain respondents based on a settlement agreement.

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 this investigation on April 23, 2018, based on a complaint filed by Valeant Pharmaceuticals North America LLC of Bridgewater, New Jersey and Valeant Pharmaceuticals International, Inc. of Laval, Canada (collectively, “Valeant”). *See* 83 FR 17676-7 (Apr. 23, 2018). The complaint, as amended, 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 clidinium bromide and products containing same by reason of unfair acts or methods of competition, the threat or effect of which is to destroy or substantially injure an industry in the United States. *See id.* The notice of investigation named as respondents in this investigation: Bi-Coastal Pharma International LLC and Bi-Coastal

Pharmaceutical Corporation (collectively, “Bi-Coastal”) of Shrewsbury, New Jersey; ECI Pharmaceuticals LLC of Fort Lauderdale, Florida; Virtus Pharmaceuticals LLC of Tampa, Florida; and Virtus Pharmaceuticals OPCO II LLC of Nashville, Tennessee. *See id.* The Office of Unfair Import Investigations is also a party to this investigation. *See id.*

On May 29, 2018, Valeant and Bi-Coastal filed a joint motion (*Motion*) to partially terminate the investigation as to Bi-Coastal based on a settlement agreement (“the Agreement”). On June 12, 2018, the ALJ issued the subject ID (Order No. 9) granting the *Motion*. The ID includes both confidential and public versions of the Agreement. In addition, the ID finds that: “the [*Motion*] complies with the Commission Rules.” *See ID* at 2. Specifically, in accordance with Commission Rule 210.21(b)(1), 19 CFR 210.21(b)(1), the ID notes that “[the] movants state: ‘There are no other agreements, written, oral, express or implied, between Valeant and Bi-Coastal concerning the subject matter of this investigation.’” *See id.* Furthermore, in accordance with Commission Rule 210.50(b)(2), 19 CFR 210.50(b)(2), the ID finds “no evidence indicating that terminating this investigation based on the Agreement between Valeant and Bi-Coastal would be contrary to the public interest.” *See id.* at 3.

No petition for review of the ID was filed. 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 CFR part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: June 28, 2018