

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN BONE CEMENTS AND BONE
CEMENT ACCESSORIES**

Investigation No. 337-TA-1175

**NOTICE OF COMMISSION DETERMINATION TO GRANT THE JOINT MOTION
TO WITHDRAW AND REPLACE CERTAIN EXHIBITS IN RESPONDENTS' FINAL
EXHIBIT LIST**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined to grant the Joint Motion to Withdraw and Replace Certain Exhibits in Respondents' Final Exhibit List.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3228. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone 202-205-1810.

SUPPLEMENTARY INFORMATION: On September 23, 2019, the Commission instituted this investigation based on a complaint filed on behalf of Zimmer, Inc. and Zimmer US, Inc. both of Warsaw, Indiana (collectively, "Complainants"). 84 FR 49764 (Sept. 23, 2019). The complaint alleges violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain bone cements and bone cement accessories by reason of the misappropriation of trade secrets, false advertising, and tortious interference, the threat or effect of which is to destroy or substantially injure an industry in the United States. The complaint also alleges the existence of a domestic industry. The Commission's notice of investigation names the following respondents: Heraeus Medical GmbH of Wehrheim, Germany and Heraeus Medical LLC of Yardley, Pennsylvania (collectively, "Respondents"). *Id.* The Office of Unfair Import Investigations ("OUII") is named as a party in this investigation. *Id.*

The ALJ held an evidentiary hearing the week of October 26, 2020.

On February 11, 2021, the presiding ALJ issued the Final Initial Determination and Recommended Determination on Remedy and Bonding in this investigation, certifying the record to the Commission. *See* Final ID at 111.

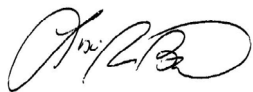
On March 19, 2021, Complainants and Respondents filed an unopposed joint motion, seeking to withdraw and replace certain exhibits in Respondents' Final Exhibit List. Specifically, Complainants and Respondents seek to remove the following exhibits from the record: RX-1817C, RX-1887C, RX-1960C, RX-2218C, RX-2266C, RX-2267C, and RX-2447C. Complainants and Respondents represent that no party cited or relied on any of the exhibits to be withdrawn during the investigation. Complainants and Respondents further seek to replace the following exhibits with redacted replacement versions: RX-1761C (Ex. 5), RX-1886C (Ex. 6), RX-2015C (Ex. 7), RX-2027C (Ex. 8), RX-2260C (Ex. 9), RX-2264C (Ex. 10), RX-2265C (Ex. 11), RX-2278C (Ex. 12), RX-2279C (Ex. 13), RX-2283C (Ex. 14), RX-2443C (Ex. 15), RX-2446C (Ex. 16), RX-2475C (Ex. 17), and RX-2480C (Ex. 18). Complainants and Respondents further represent that no party cited or relied on any of the redacted portions of the exhibits during the course of the investigation.

The Commission has determined to grant the joint motion. Exhibits RX-1817C, RX-1887C, RX-1960C, RX-2218C, RX-2266C, RX-2267C, and RX-2447C are expunged from the record. In addition, the following exhibits are replaced with the redacted versions submitted with the joint motion: RX-1761C (Ex. 5), RX-1886C (Ex. 6), RX-2015C (Ex. 7), RX-2027C (Ex. 8), RX-2260C (Ex. 9), RX-2264C (Ex. 10), RX-2265C (Ex. 11), RX-2278C (Ex. 12), RX-2279C (Ex. 13), RX-2283C (Ex. 14), RX-2443C (Ex. 15), RX-2446C (Ex. 16), RX-2475C (Ex. 17), and RX-2480C (Ex. 18).

The Commission vote for this determination took place on June 8, 2021.

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.



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Issued: June 8, 2021