

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

**In the Matter of**

**CERTAIN GABAPENTIN  
IMMUNOASSAY KITS AND TEST  
STRIPS, COMPONENTS THEREOF, AND  
METHODS THEREFOR**

**Investigation No. 337-TA-1239**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW  
AN INITIAL DETERMINATION EXTENDING THE 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 an initial determination (“ID”) (Order No. 27) of the presiding administrative law judge (“ALJ”) extending the target date in the above-captioned investigation to July 25, 2022.

**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](mailto: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 on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** On January 25, 2021, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by ARK Diagnostics, Inc. of Fremont, California (“ARK”). See 86 FR 6918-19. The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, sale for importation, or sale after importation into the United States of certain gabapentin immunoassay kits and test strips, components thereof, and methods therefor by reason of infringement of certain claims of U.S. Patent Nos. 8,828,665 and 10,203,345. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation names fourteen respondents, including

Shanghai Chemtron Biotech Co., Ltd. of Shanghai,, China (“Shanghai Chemtron”). *See id.* The complaint and notice of investigation were later amended to add two respondents. Order No. 8 (March 9, 2021), *unreviewed by* 86 FR 16640-41 (March 30, 2021).

On December 29, 2021, the presiding ALJ issued the subject ID pursuant to 19 CFR 210.42(c)(1), 210.51(a)(1), extending the target date by two months to July 25, 2022, and entering a limited procedural schedule. Order No. 27 (Dec. 29, 2021). The ID notes that ARK continues to seek discovery from only Shanghai Chemtron. The ID finds, however, that an extension of the target date is necessary to accommodate the completion of discovery. The subject ID also reschedules the deadline for issuance of the final ID to March 25, 2022.

No party petitioned for review of the subject ID.

The Commission has determined not to review the subject ID (Order No. 27). The target date for completion of this investigation is July 25, 2022.

The Commission vote for this determination took place on January 25, 2022.

While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the complainant complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

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: January 25, 2022