

**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 TWO
INITIAL DETERMINATIONS TERMINATING THE INVESTIGATION
AS TO CERTAIN RESPONDENTS BASED ON CONSENT ORDER
STIPULATIONS; ISSUANCE OF THREE CONSENT ORDERS**

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 two initial determinations (“IDs”) (Order Nos. 11 and 12) of the presiding administrative law judge (“ALJ”) granting joint motions to terminate certain respondents based on consent order stipulations. The Commission has issued three consent orders. TransMed Co., LLC, 12PanelMedical, Inc., 12Panel Now, Inc., and Hospital Connect, Inc. are hereby terminated from the investigation.

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 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 12PanelMedical, Inc. of Sarasota, Florida (“12PanelMedical”) and TransMed Co., LLC of Alpharetta, Georgia (“TransMed”). *See id.* The complaint and notice of investigation were later amended to add two respondents, 12Panel Now, Inc. and Hospital Connect, Inc., both of Boynton Beach, Florida (collectively, “12PanelMedical Affiliates”) and affiliates of 12PanelMedical. Order No. 8 (March 9, 2021), *unreviewed by Comm’n Notice* (March 24, 2021).

On March 17, 2021, ARK and TransMed filed a joint motion to terminate this investigation with respect to TransMed based on a consent order stipulation and proposed consent order. On the same day, ARK, 12PanelMedical, and 12PanelMedical Affiliates filed a joint motion to terminate this investigation with respect to 12PanelMedical and 12PanelMedical Affiliates based on consent order stipulations and proposed consent orders.

On March 31, 2021, the ALJ issued the two subject IDs. *See* Order No. 11 (Mar. 31, 2021); Order No. 12 (Mar. 31, 2021). Each of the subject IDs finds that the respective motion, consent order stipulation, and proposed consent order satisfies the requirements of Commission Rules 210.21(c)(3) and (c)(4) (19 CFR 210.21(c)(3), (c)(4)). The IDs also find that termination of TransMed, 12PanelMedical, and 12PanelMedical Affiliates would not be contrary to the public interest.

No party petitioned for review of the subject IDs.

The Commission has determined not to review Order Nos. 11 and 12. TransMed, 12PanelMedical, and 12PanelMedical Affiliates are hereby terminated from the investigation. The Commission has issued consent orders to TransMed, 12PanelMedical, and 12PanelMedical Affiliates.

The Commission vote for this determination took place on April 15, 2021.

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', enclosed within a large, loopy oval flourish.

Lisa R. Barton
Secretary to the Commission

Issued: April 15, 2021