

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

In the Matter of

**CERTAIN FLOCKED SWABS,
PRODUCTS CONTAINING FLOCKED
SWABS, AND METHODS OF USING
SAME**

Investigation No. 337-TA-1279

**NOTICE OF COMMISSION DECISION NOT TO REVIEW THREE INITIAL
DETERMINATIONS FINDING RESPONDENT HAN CHANG MEDIC AND
RESPONDENT NO BORDERS DENTAL RESOURCES, INC., D/B/A MEDIDENT
SUPPLIES IN DEFAULT; TERMINATING CERTAIN CLAIMS FROM THE
INVESTIGATION; AND TERMINATING THE INVESTIGATION AS TO
RESPONDENT STELLAR SCIENTIFIC, LLC**

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 three initial determinations (“IDs”) (Order Nos. 31-33) of the presiding Administrative Law Judge (“ALJ”) (1) finding respondent Han Chang Medic and respondent No Borders Dental Resources, Inc., D/B/A Medident Supplies in default; (2) terminating certain claims from the investigation; and (3) terminating the investigation as to respondent Stellar Scientific, LLC based on settlement.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone (202) 205-2392. 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 September 2, 2021, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on a complaint filed by Copan Italia S.p.A. and Copan Industries, Inc. 86 FR 49343-44 (Sept. 2, 2021). The complaint alleged a violation of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of

certain flocked swabs, products containing flocked swabs, and methods of using same by reason of infringement of claims 1, 6-9, 11-14, 16-19, and 21-22 of U.S. Patent Nos. 9,011,358 (“the ’358 patent”); claims 1, 4-6, 8, 9, 11-13,16-20, and 22-24 of 9,173,779 (“the ’779 patent”); and claims 1, 3, 5, 7-10, 18, and 20 of 10,327,741 (“the ’741 patent”). The complaint also alleged the existence of a domestic industry. The notice of investigation named Han Chang Medic of Chungnam, Republic of Korea (“HCM”); Wuxi NEST Biotechnology Co., Ltd. of Wuxi, Jiangsu, China; NEST Scientific Inc. of Rahway, New Jersey; NEST Scientific USA of Rahway, New Jersey; Miraclean Technology Co., Ltd. of Shenzhen, Guangdong, China; Vectornate Korea Ltd. of Jangseong, Republic of Korea and Vectornate USA, Inc. of Mahwah, New Jersey; Innovative Product Brands, Inc. of Highland, California; Thomas Scientific, Inc. of Swedesboro, New Jersey; Thomas Scientific, LLC of Owings Mills, Maryland; Stellar Scientific, LLC of Owings Mills, Maryland; Cardinal Health, Inc. of Dublin, Ohio; KSL Biomedical, Inc. of Williamsville, New York and KSL Diagnostics, Inc. of Williamsville, New York; Jiangsu Changfeng Medical Industry Co., Ltd. of Yangzhou, Jiangsu, China; No Borders Dental Resources, Inc., dba MediDent Supplies of Queen Creek, Arizona (“MediDent”); BioTeke Corporation (Wuxi) Co., Ltd. of Wuxi, Jiangsu, China; Fosun Pharma USA Inc. of Princeton, New Jersey; Hunan Runmei Gene Technology Co., Ltd. of Changsha, Hunan, China; VWR International, LLC of Radnor, Pennsylvania; and Slmp, LLC dba StatLab Medical Products of McKinney, Texas as respondents. *Id.* at 49343-44. The Commission’s Office of Unfair Import Investigations (“OUII”) is also named as a party in this investigation. *Id.* at 49344.

On November 15, 2021, in response to motions filed by Complainants and pursuant to Commission Rule 210.16, 19 CFR 210.16, the ALJ issued “show cause” orders requiring respondent HCM and respondent MediDent to show why they should not be found in default for failure to respond to the Complaint and Notice of Investigation by the close of business on December 6, 2021. Order No. 26 (Nov. 15, 2021) (ordering HCM to show cause as to why it should not be held in default); Order No. 28 (Nov. 15, 2021) (ordering MediDent to show cause as to why it should not be held in default). HCM and MediDent have not responded to the “show cause” orders and have not responded to the Complaint and Notice of Investigation.

On December 15, 2021, the ALJ issued an ID (Order No. 31) finding respondent HCM and respondent MediDent in default. The ID found that HCM and MediDent therefore waived their right to appear, be served with documents, and to contest the allegations at issue in this investigation. Order No. 31 at 2. No party petitioned for review of Order No. 31.

Furthermore, on November 18, 2021, Complainants filed a motion to terminate the investigation as to claim 7 of the ’358 patent, claims 5 and 19 of the ’779 patent, and claim 8 of the ’741 patent. On November 29, 2021, OUII filed a response supporting Complainants’ motion. No respondent filed a response to the motion.

On December 15, 2021, the ALJ issued an ID (Order No. 32) granting the motion. The ID found that no extraordinary circumstances prevent terminating claim 7 of the ’358 patent, claims 5 and 19 of the ’779 patent, and claim 8 of the ’741 patent from this investigation. The

ID further found that the termination of the investigation as to these claims is in the public interest, as public and private resources will be conserved. Order No. 32 at 3 (citing *Certain Power Supplies*, Inv. No. 337-TA-646, Order No. 18 (Jan. 5, 2009), *unreviewed by Comm'n Notice* (Jan 29, 2009)). No party petitioned for review of Order No. 32.

In addition, on November 10, 2021, Complainants and Respondent Stellar filed a joint motion to terminate this investigation as to Stellar based upon settlement. On November 22, 2021, OUII filed a response supporting, *inter alia*, the motion to terminate.

On December 15, 2021, the ALJ issued an ID (Order No. 33) granting, *inter alia*, the motion to terminate. The ID found that the motion to terminate complies with Commission Rule 210.21. Order No. 33 at 2. The ID further found that the termination of this investigation as to Stellar does not impose any undue burdens on the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, or United States consumers. Order No. 33 at 3. No party petitioned for review of Order No. 33.

The Commission has determined not to review the subject IDs (Order Nos. 31-33). The Commission finds respondents HCM and MediDent in default. Furthermore, claim 7 of the '358 patent, claims 5 and 19 of the '779 patent, and claim 8 of the '741 patent are terminated from the investigation. Finally, the Commission has terminated the investigation as to respondent Stellar based upon settlement.

The Commission vote for this determination took place on January 10, 2022.

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.

Issued: January 10, 2022.



Lisa R. Barton,
Secretary to the Commission.