

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

**In the Matter of**

**CERTAIN LIQUID TRANSFER DEVICES  
WITH AN INTEGRAL VIAL ADAPTER**

**Investigation No. 337-TA-1362**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING AN UNOPPOSED MOTION TO TERMINATE THE  
INVESTIGATION AS TO CERTAIN ASSERTED U.S. DESIGN PATENTS**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 14) of the presiding chief administrative law judge (“CALJ”) granting an unopposed motion to terminate the investigation as to U.S. Design Patent Nos. D767,124; D765,837; and D630,732 (collectively, “Asserted Design Patents”).

**FOR FURTHER INFORMATION CONTACT:** Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3042. 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, telephone (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** On May 11, 2023, the Commission instituted this investigation based on a complaint filed by West Pharmaceutical Services, Inc. of Exton, Pennsylvania, and West Pharma. Services, IL, Ltd. of Ra’anana, Israel (collectively, “West”). 88 FR 30342-43 (May 11, 2023). The complaint alleged violations of section 337 based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain liquid transfer devices with an integral vial adapter by reason of infringement of certain claims of U.S. Patent No. 10,688,295; the Asserted Design Patents; and U.S. Trademark Registration No. 5,810,583 (“the ’583 Mark”). The Commission’s notice of investigation named as respondents Advcare Medical, Inc. of New Taipei City, Taiwan; Dragon Heart Medical, Inc. of Addison, Illinois; Summit International Medical, Technologies, Inc. of Franklin, Massachusetts; and Dragon Heart Medical Devices Co., Ltd. (“Dragon Heart China”)

of Guangdong Province, China. *Id.* The Office of Unfair Import Investigations was named as a party to the investigation. *Id.*

On August 24, 2023, the CALJ issued an ID granting an unopposed motion to terminate the investigation as to Dragon Heart China based upon withdrawal of the allegations in the complaint as to Dragon Heart China. Order No. 9 (Aug. 24, 2023), *unreviewed by Comm'n Notice* (Sept. 19, 2023).

On September 19, 2023, the CALJ issued an ID granting an unopposed motion to terminate the investigation as to the '583 Mark based upon withdrawal of the allegations in the complaint as to the '583 Mark. Order No. 12 (Sept. 19, 2023), *unreviewed by Comm'n Notice* (Oct. 19, 2023).

On September 28, 2023, West moved to terminate the investigation as to the Asserted Design Patents based upon withdrawal of allegations in the complaint as to those patents. On September 29, 2023, OUII filed a response in support of the motion. None of the respondents opposed the motion.

On October 4, 2023, the CALJ issued the subject ID (Order No. 14) granting the motion. The ID noted that Commission Rule 210.21(a)(1) provides that “[a]ny party may move at any time prior to the issuance of an initial determination on violation of section 337 of the Tariff Act of 1930 to terminate an investigation in whole or in part as to any or all respondents, on the basis of withdrawal of the complaint or certain allegations contained therein . . .” and that “[a] motion for termination of an investigation based on withdrawal of the complaint . . . shall contain a statement that there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation.” ID at 1-2 (citing 19 CFR 210.21(a)(1)). The ID granted the motion, finding that it complies with the Commission Rules and that “there are no extraordinary circumstances that warrant denying the motion.” *Id.* at 2. No one petitioned for review of the ID.

The Commission has determined not to review the subject ID. The investigation is hereby terminated as to U.S. Design Patent Nos. D767,124; D765,837; and D630,732.

The Commission vote for this determination took place on November 2, 2023.

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: November 2, 2023