

**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 SUMMARY DETERMINATION THAT THE  
ECONOMIC PRONG OF THE DOMESTIC INDUSTRY REQUIREMENT IS  
SATISFIED**

**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. 17) of the presiding chief administrative law judge (“CALJ”) granting an unopposed motion for summary determination that the economic prong of the domestic industry requirement is satisfied.

**FOR FURTHER INFORMATION CONTACT:** Namo Kim, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3459. 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 under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), 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 ‘295 patent); U.S. Design Patent Nos. D767,124; D765,837; D630,732 (collectively, “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 allegations in the complaint as to the ’583 Mark. Order No. 12 (Aug. 24, 2023), *unreviewed* by Comm’n Notice (Oct. 19, 2023).

On October 4, 2023, the CALJ issued an ID granting an unopposed motion to terminate the investigation as to the Asserted Design Patents based upon withdrawal of allegations in the complaint as to those patents. Order No. 14 (Oct. 4, 2023), *unreviewed* by Comm’n Notice (Nov. 2, 2023).

On October 5, 2023, West filed a motion for summary determination that West has satisfied the economic prong of the domestic industry requirement set forth in 19 U.S.C. 1337(a)(2)-(3). West argued that the economic prong is satisfied because a domestic industry currently exists under section 337(a)(3)(A) or is in the process of being established under section 337(a)(2).

On October 16, 2023, OUII filed a response supporting West’s motion for summary determination. None of the respondents remaining in this investigation responded to the motion.

On November 28, 2023, the CALJ issued the subject ID (Order No. 17) granting West’s unopposed motion for summary determination that the economic prong of the domestic industry requirement is satisfied under section 337(a)(2) because West has established, at a minimum, that it is in the process of establishing a domestic industry. ID at 5-9. The ID considered evidence submitted by West regarding its alleged domestic industry product (“Vial2Bag Advanced® 20mm admixture device”) for the ’295 patent and determined that “[u]ndisputed evidence demonstrates that West is in the process of establishing a domestic industry because it shows that (1) West is taking the necessary tangible steps to establish an industry in the United States and (2) there is a significant likelihood that West will satisfy the industry requirement in the future.” ID at 5-9.

No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID.

The Commission vote for this determination took place on December 28, 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.

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

Lisa R. Barton  
Secretary to the Commission

Issued: December 28, 2023