

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 DRAGON HEART MEDICAL DEVICES CO. LTD.**

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. 9) of the presiding chief administrative law judge (“CALJ”) granting an unopposed motion to terminate the investigation as to Respondent Dragon Heart Medical Devices Co., Ltd. (“Dragon Heart China”) of Guangdong Province, China.

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. 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; U.S. Design Patent No. D767,124; U.S. Design Patent No. D765,837; U.S. Design Patent No. D630,732; and U.S. Trademark Registration No. 5,810,583. 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 China. *Id.* The Office of Unfair Import Investigations was named as a party to the investigation. *Id.*

On August 17, 2023, West moved to terminate the investigation as Dragon Heart China based upon withdrawal of the complaint as to Dragon Heart China. None of the parties opposed the motion.

On August 24, 2023, the CALJ issued the subject ID (Order No. 9) granting West's unopposed 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 (citing 19 CFR 210.21(a)(1)). The ID granted the motion, finding that it complies with the Commission Rules. *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 Dragon Medical China.

The Commission vote for this determination took place on September 19, 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: September 20, 2023