

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ANTIVENOM
COMPOSITIONS AND PRODUCTS
CONTAINING THE SAME**

Investigation No. 337-TA-903

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION PARTIALLY TERMINATING THE
INVESTIGATION BASED ON A WITHDRAWAL OF THE COMPLAINT**

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 an initial determination (“ID”) (Order No. 14) issued by the presiding administrative law judge (“ALJ”) on March 11, 2014, terminating the investigation based on a withdrawal of the complaint with respect to respondents Veteria Laboratories and BioVeteria Life Sciences, LLC (together, “Veteria”).

FOR FURTHER INFORMATION CONTACT: James Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3065. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.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: The Commission instituted this investigation on December 11, 2013, based on a complaint filed by BTG International Inc. (“BTG”) of West Conshohocken, Pennsylvania. *78 Fed. Reg. 75372-73*. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain antivenom compositions and products containing the same through the infringement of certain claims of U.S. Patent No. 8,048,414. *Id.* at 75373. The Commission’s notice of investigation named as respondents Veteria

Laboratories of Mexico; BioVeteria Life Sciences, LLC of Prescott, Arizona; Instituto Bioclon S.A. de C.V. of Mexico; Laboratorios Silanes S.A. de C.V. of Mexico; The Silanes Group of Mexico; and Rare Disease Therapeutics, Inc., of Franklin, Tennessee. *Id.* The Office of Unfair Import Investigation was named as a party to the investigation. *Id.*

On February 26, 2014, BTG and Veteria jointly moved to terminate the investigation based on BTG's withdrawal of its complaint with respect to Veteria. BTG and Veteria have attached three agreements concerning the subject matter of this investigation, and indicated that there are no other agreements, written or oral, express or implied, concerning the subject matter of this investigation. BTG and Veteria further state that their proposed termination will not adversely affect the public interest factors. Additionally, BTG and Veteria seek to stay the investigation with respect to Veteria until the motion is resolved, and to limit service of the agreements to the movants and the Commission Investigative Attorney ("IA"). On March 10, 2014, the IA filed a response in support of BTG's and Veteria's motion.

On March 10, 2014, respondents Instituto Bioclon S.A. de C.V., Laboratorios Silanes S.A. de C.V., and Rare Disease Therapeutics, Inc. filed a response in opposition to the motion. They contend that the BTG cannot withdraw its complaint because BTG and Veteria have settled their dispute, that Veteria should remain in the investigation until it responds to discovery requests, and that service should not be limited to the movants and the IA.

On March 11, 2014, the ALJ issued the ID, granting the Motion and terminating the investigation with respect to Veteria. *See* Order 14. The ALJ also found that there was good cause to stay the investigation with respect to Veteria and to limit the service of agreements. *Id.* at 3-4.

The Commission has determined not to review the subject ID.

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 C.F.R. part 210).

By order of the Commission.



Lisa R. Barton
Acting Secretary to the Commission

Issued: April 1, 2014