

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. 30) issued by the presiding administrative law judge (“ALJ”) on August 8, 2014, terminating the investigation based on a withdrawal of the complaint with respect to allegations of infringement under claims 13, 15, and 16 of U.S. Patent No. 8,048,414 (“the ’414 patent”).

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5468. 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 the ’414 patent. *Id.* at 75373. The

Commission's notice of investigation named as respondents Veteria Laboratories of Mexico and BioVeteria Life Sciences, LLC of Prescott, Arizona (together, "Veteria"); 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 Commission previously terminated the investigation with respect to Veteria based on a partial withdrawal of the complaint. Order No. 14 (Mar. 11, 2014), *not reviewed* Apr. 1, 2014. The Office of Unfair Import Investigations was also named as a party to the investigation. 78 *Fed. Reg.* 75373.

On July 31, 2014, BTG filed an unopposed motion to terminate the investigation with respect to its allegations of infringement under claims 13, 15, and 16 of the '414 patent based on a partial withdrawal of the complaint. On August 4, 2014, BTG filed an amended version of its motion that stated that there were no agreements, written or oral, express or implied, between the parties concerning the subject matter of the investigation. On August 8, 2014, the ALJ issued the subject ID, granting BTG's amended motion and terminating the investigation with respect to BTG's allegations of infringement under claims 13, 15, and 16 of the '414 patent.

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
Secretary to the Commission

Issued: August 26, 2014