

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN HEMOSTATIC PRODUCTS
AND COMPONENTS THEREOF**

Inv. No. 337-TA-913

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

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. 21) issued by the presiding administrative law judge (“ALJ”) on October 8, 2014, partially terminating the investigation based on a withdrawal of the complaint as to claims 3, 4, and 7 of U.S. Patent No. 6,066,325 (“the ’325 patent”); claims 7, 9, and 15 of U.S. Patent No. 8,512,729 (“the ’729 patent”); claims 2 and 4 of U.S. Patent No. 8,603,511 (“the ’511 patent”); and all asserted claims of U.S. Patent No. 8,303,981 (“the ’981 patent”).

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2392. 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 April 7, 2014, based on a complaint filed on February 28, 2014, and supplemented on March 19, 2014, on behalf of Baxter International Inc. of Deerfield, Illinois; Baxter Healthcare Corporation of Deerfield, Illinois; and Baxter Healthcare SA of Switzerland (collectively, “Baxter”). 79 *Fed. Reg.* 19124 (Apr. 7, 2014). The complaint alleged violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the sale for importation, importation, and sale within the United States after importation of certain hemostatic products and components thereof by reason of infringement of certain claims of U.S. Patent No. 8,357,378; the ’981 patent; the ’729 patent;

the '325 patent; and the '511 patent. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337. The Commission's notice of investigation named as respondents Johnson & Johnson ("J&J") of Brunswick, New Jersey; Ethicon, Inc. ("Ethicon") of Somerville, New Jersey; Ferrosan Medical Devices A/S ("Ferrosan") of Denmark; and Packaging Coordinators, Inc. ("PCI") of Philadelphia, Pennsylvania. 79 *Fed. Reg.* at 19125. The Office of Unfair Import Investigations was named as a party to the investigation. *Id.* Subsequently, the investigation was terminated with respect to J&J and PCI. See Notice of Commission Determination Not to Review an Initial Determination Partially Terminating the Investigation Based on a Withdrawal of the Complaint (July 14, 2014).

On September 22, 2014, Baxter moved for partial termination of the investigation based on Baxter's withdrawal of its complaint as to claims 3, 4, and 7 of the '325 patent; claims 7, 9, and 15 of the '729 patent; claims 2 and 4 of the '511 patent; and all asserted claims of the '981 patent. On October 1, 2014, Baxter supplemented its motion asserting that there are no other agreements, written or oral, express or implied, concerning the subject matter of this motion or this investigation (with the exception of stipulations filed in this matter and routine agreements regarding service and discovery procedures). Remaining respondents Ethicon and Ferrosan did not oppose the motion and the Commission's Investigative Attorney filed a response in support of the motion.

On October 8, 2014, the ALJ issued the subject ID, granting the motion. The ALJ found that there were no extraordinary circumstances to prevent Baxter's partial withdrawal of certain patent claims in the complaint. No petitions for review were filed.

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 section 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: October 30, 2014