

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C.**

**In the Matter of**

**CERTAIN BONE CEMENTS,  
COMPONENTS THEREOF AND  
PRODUCTS CONTAINING THE SAME**

**Investigation No. 337-TA-1153**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN  
INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO  
RESPONDENTS ZIMMER ORTHOPAEDIC SURGICAL PRODUCTS, INC.  
AND BIOMET EUROPE B.V.**

**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. 10) of the presiding Administrative Law Judge (“ALJ”) terminating the investigation as to respondents Zimmer Orthopaedic Surgical Products, Inc. and Biomet Europe B.V.

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone (202) 205-3115. 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, SW, Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://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 10, 2019, based on a complaint filed by Heraeus Medical LLC of Yardley, PA, and Heraeus Medical GmbH of Wehrheim, Germany. 84 FR 14394-95 (Apr. 10, 2019). The complaint alleges a violation of section 337 by reason of misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure a domestic industry in the United States or to prevent the establishment of such an industry. The complaint named as respondents Zimmer Biomet Holdings, Inc. of Warsaw, Indiana; Biomet, Inc. of Warsaw,

Indiana; Zimmer Orthopaedic Surgical Products, Inc. of Dover, Ohio; Zimmer Surgical, Inc. of Dover, Ohio; Biomet France S.A.R.L. of Valence, France; Biomet Deutschland GmbH of Berlin, Germany; Zimmer Biomet Deutschland GmbH of Freiburg im Breisgau, Germany; Biomet Europe B.V. of Dordrecht, Netherlands; Biomet Global Supply Chain Center B.V. of Dordrecht, Netherlands; Zimmer Biomet Nederland B.V. of Dordrecht, Netherlands; Biomet Orthopedics, LLC of Warsaw, Indiana; and Biomet Orthopaedics Switzerland GmbH of Dietikon, Switzerland. The Commission's Office of Unfair Import Investigations was named as a party.

On May 20, 2019, respondents Zimmer Biomet Holdings, Inc.; Biomet, Inc.; Zimmer Surgical, Inc.; Biomet France S.A.R.L.; Biomet Deutschland GmbH; Zimmer Biomet Deutschland GmbH; Biomet Global Supply Chain Center B.V.; Zimmer Biomet Nederland B.V.; Biomet Orthopedics, LLC; and Biomet Orthopaedics Switzerland GmbH (collectively "Biomet") moved to terminate the investigation as to respondents Zimmer Orthopaedic Surgical Products, Inc. and Biomet Europe B.V. pursuant to 19 C.F.R. § 210.21(a). Biomet's motion explains that "[a]s of October 1, 2010, Zimmer Orthopaedic Surgical Products, Inc. changed its name to Zimmer Surgical, Inc." and "as of December 31, 2017, Biomet Europe B.V. was merged into Zimmer Biomet Nederland B.V., an entity organized under the laws of the Netherlands." Mot. at 1-2. Biomet concludes that "Zimmer Orthopaedic Surgical Products, Inc. and Biomet Europe B.V. no longer exist" and argues this constitutes good cause for their termination from the investigation. *Id.* at 2 (citing Declaration of Heather J. Kidwell). The motion also represents "[c]ounsel for [complainant] Heraeus and the Staff do not oppose this Motion." *Id.* at 1.

On May 23, 2019, the ALJ issued the subject ID granting the motion. The ALJ found that respondents' motion complies with the Commission Rules. Order No. 10 at 2. The ALJ found that "the non-existence of the two named respondents is good cause for their termination." *Id.* The ALJ likewise found no extraordinary circumstances that warrant denying the motion. No party petitioned for review of the ID.

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 CFR part 210.

By order of the Commission.



Lisa R. Barton  
Secretary to the Commission

Issued: June 14, 2019