UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of **CERTAIN GABAPENTIN IMMUNOASSAY KITS AND TEST STRIPS, COMPONENTS THEREOF, AND METHODS THEREFOR**	**Investigation No. 337-TA-1239**

NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO RESPONDENT CHEMTRON BIOTECH, INC. BASED ON PARTIAL 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. 20) of the presiding administrative law judge ("ALJ") terminating the investigation as to respondent Chemtron Biotech, Inc. of San Diego, California ("Chemtron Biotech") based on partial withdrawal of the complaint. Chemtron Biotech is hereby terminated from the investigation.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3228. 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 on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On January 25, 2021, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), based on a complaint filed by ARK Diagnostics, Inc. of Fremont, California ("ARK"). *See* 86 FR 6918-19. The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, sale for importation, or sale after importation into the United States of certain gabapentin immunoassay kits and test strips, components thereof, and methods therefor by reason of infringement of certain claims of

U.S. Patent Nos. 8,828,665 and 10,203,345. *Id.* The complaint further alleges that a domestic industry exists. *Id*. The notice of investigation names fourteen respondents, including Chemtron Biotech. *See id*. The complaint and notice of investigation were later amended to add two more respondents. Order No. 8 (March 9, 2021), *unreviewed by* 86 FR 16640-41 (March 30, 2021).

On May 7, 2021, ARK filed a motion to terminate the investigation as to Chemtron Biotech based on partial withdrawal of the complaint. No responses to the motion were filed.

On June 4, 2021 the ALJ issued the subject ID granting the joint motion. *See* Order No. 20 (June 4, 2021). The ID finds that the motion complies with Commission Rule 210.21(a) (19 CFR 210.21(a)) and was made before the issuance of any ID on violation of section 337, and that there are no extraordinary circumstances that warrant denying the motion.

No party petitioned for review of the subject ID.

The Commission has determined not to review the subject ID (Order No. 20). Chemtron Biotech is hereby terminated from the investigation.

The Commission vote for this determination took place on June 28, 2021.

While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the complainant complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

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 28, 2021