

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN HIGH-POTENCY SWEETENERS,
PROCESSES FOR MAKING SAME, AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-1264

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION FINDING CERTAIN RESPONDENTS IN DEFAULT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 26) of the presiding administrative law judge (“ALJ”), finding respondents Amerisweet Co. Ltd., Fortway Chemicals Co., Nutravative Ingredients, Nutrisprinter Limited, and Polestar Development Limited (collectively, “the Non-Answering Respondents”) in default.

FOR FURTHER INFORMATION CONTACT: Benjamin S. Richards, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 708-5453. 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: The Commission instituted this investigation on May 14, 2021. 86 FR 26544 (May 14, 2021). The complaint, as supplemented, was filed by complainants Celanese International Corporation of Irving, Texas; Celanese (Malta) Company 2 Limited of Qormi, Malta; and Celanese Sales U.S. Ltd. of Irving, Texas (collectively “Celanese”) and alleged 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, or the sale within the United States after importation of certain high-potency sweeteners, processes for making same, and products containing same by reason of infringement of certain claims of United States Patent Nos. 10,023,546; 10,208,004; 10,590,098; 10,233,163; and 10,590,095. *Id.* The complaint further alleged that a domestic industry exists. *Id.* The Commission’s notice of investigation (“NOI”) named twelve respondents. *Id.* The Office of Unfair Import Investigations is also participating in this investigation. *Id.*

On August 6, 2021, the ALJ issued an ID granting a motion by Celanese to add eleven additional respondents to the investigation. Order No. 14, *unreviewed by Comm'n Notice* (Aug. 23, 2021). The Non-Answering Respondents were among the respondents added to the investigation. *Id.* On August 26, 2021, Celanese filed an amended complaint adding the eleven additional respondents. On the same day, Celanese served Fortway Chemicals Co., Nutravative Ingredients, and Nutrisprinter Limited with the amended complaint. Order No. 23 at 2 (citing EDIS Doc. ID 751222 (Sep. 8, 2021)). On August 30, 2021, Celanese served Amerisweet Co. Ltd. and Polestar Development Limited. *Id.* None of the Non-Answering Respondents responded to the amended complaint and amended NOI. *Id.*

On October 27, 2021, the ALJ issued an order pursuant to Commission Rule 210.16 directing the Non-Answering Respondents to show cause why they should not be found in default and why judgment should not be rendered against them for failing to respond to the amended complaint and amended NOI. Order No. 23. None of the Non-Answering Respondents responded to that order by the November 8, 2021 deadline set therein. Thereafter, on November 23, 2021, the ALJ issued the subject ID, pursuant to Commission Rule 210.16, finding the Non-Answering Respondents in default. *Id.* No petitions for review of the ID were received.

The Commission has determined not to review the subject ID. Respondents Amerisweet Co. Ltd.; Fortway Chemicals Co.; Nutravative Ingredients; Nutrisprinter Limited; and Polestar Development Limited are found in default.

The Commission vote for this determination took place on December 20, 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(s) 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: December 20, 2021