

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN FLOCKED SWABS,
PRODUCTS CONTAINING FLOCKED
SWABS, AND METHODS OF USING
SAME**

Investigation No. 337-TA-1279

**NOTICE OF COMMISSION DECISION NOT TO REVIEW FIVE (5) INITIAL
DETERMINATIONS TERMINATING THE INVESTIGATION AS TO CERTAIN
RESPONDENTS**

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 five initial determinations (“IDs”) (Order Nos. 21-25) of the presiding Administrative Law Judge (“ALJ”) terminating the investigation as to respondents Thomas Scientific, Inc. of Swedesboro, New Jersey (“Thomas Inc.”); Thomas Scientific, LLC of Owings Mills, Maryland (“Thomas LLC”); Cardinal Health, Inc. of Dublin, Ohio (“Cardinal”); VWR International, LLC of Radnor, Pennsylvania (“VWR”); Vectornate Korea Ltd. of Jangseong, Republic of Korea and Vectornate USA, Inc. of Mahwah, New Jersey (collectively, “Vectornate”); and Innovative Product Brands, Inc. of Highland, California (“IPB”).

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) 205-2392. 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 September 2, 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 Copan Italia S.p.A. and Copan Industries, Inc. (collectively, “Copan,” or Complainants). 86 FR 49343-44 (Sep. 2, 2021). The complaint alleges a violation of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain flocked swabs,

products containing flocked swabs, and methods of using same by reason of infringement of certain claims of U.S. Patent Nos. 9,011,358; 9,173,779; and 10,327,741. The complaint also alleges the existence of a domestic industry. The notice of investigation names as respondents VWR; Cardinal; IPB; Vectornate; Thomas LLC; and Thomas Inc.; Han Chang Medic of Chungnam, Republic of Korea; Wuxi NEST Biotechnology Co., Ltd. of Wuxi, Jiangsu, China; NEST Scientific Inc. of Rahway, New Jersey; NEST Scientific USA of Rahway, New Jersey; Miraclean Technology Co., Ltd. of Shenzhen, Guangdong, China; KSL Biomedical, Inc. of Williamsville, New York and KSL Diagnostics, Inc. of Williamsville, New York; Jiangsu Changfeng Medical Industry Co., Ltd. of Yangzhou, Jiangsu, China; No Borders Dental Resources, Inc., dba MediDent Supplies of Queen Creek, Arizona; BioTeke Corporation (Wuxi) Co., Ltd. of Wuxi, Jiangsu, China; Fosun Pharma USA Inc. of Princeton, New Jersey; Hunan Runmei Gene Technology Co., Ltd. Changsha, Hunan, China;; and Slmp, LLC dba StatLab Medical Products of McKinney, Texas. *Id.* at 49343-44. The Commission’s Office of Unfair Import Investigations (“OUII”) is also named as a party in this investigation. *Id.* at 49344.

On September 22, 2021, complainants Copan and respondent VWR filed a corrected joint motion to terminate the investigation as to VWR based upon settlement. On September 30, 2021, OUII filed a response supporting the joint motion. No other party filed a response.

On October 14, 2021, Copan and respondent Thomas LLC filed a joint motion to terminate this investigation as to Thomas LLC based upon settlement. On October 25, 2021, OUII filed a response supporting the joint motion. No other party filed a response.

Also on October 14, 2021, Copan filed a motion to terminate respondent Thomas Inc. from this investigation based upon withdrawal of allegations in the Complaint directed to that entity. According to Copan, it “now understands that [Thomas Inc.] is a relic of a corporate transaction that occurred in 2017 and no longer operates.” Motion at 1. On October 25, 2021, OUII filed a response supporting the motion. No other party filed a response.

On October 18, 2021, Copan and respondents Cardinal and IPB filed a joint motion to terminate this investigation as to Cardinal and IPB based upon settlement. On October 28, 2021, OUII filed a response supporting the joint motion. No other party filed a response.

On October 22, 2021, Copan and respondents Vectornate filed a joint motion to terminate this investigation as to Vectornate based upon settlement. On November 2, 2021, OUII filed a response supporting the joint motion. No other party filed a response to the joint motion to terminate the investigation as to Vectornate.

On November 15, 2021, the ALJ issued the subject IDs (Order Nos. 21-25) granting the various motions to terminate. The subject IDs find that the motions comply with Commission Rule 210.21 (19 C.F.R. § 210.21). The IDs also find that terminating the investigation as to the various respondents does not impose any undue burdens on the public health and welfare, competitive conditions in the United States economy, production of like

or directly competitive articles in the United States, or United States consumers. No party petitioned for review of the subject IDs.

The Commission has determined not to review the subject IDs. Respondents VWR; Cardinal; IPB; Vectornate; Thomas LLC; and Thomas Inc. are terminated from the investigation.

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 6, 2021