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 A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL DETERMINATION TERMINATING INVESTIGATION AS TO RESPONDENT FOSUN

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. 47) of the presiding Administrative Law Judge ("ALJ") terminating the investigation as to respondent Fosun Pharma USA Inc. ("Fosun").

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., 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 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, based on a complaint filed by Copan Italia S.p.A. and Copan Industries, Inc. ("Copan," or "Complainants"). 86 FR 49343-44 (Sept. 2, 2021). The complaint alleged 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 claims 1, 6-9, 11-14, 16-19, and 21-22 of U.S. Patent No. 9,011,358 ("the '358 patent"); claims 1, 4-6, 8, 9, 11-13, 16-20, and 22-24 of U.S. Patent No. 9,173,779 ("the '779 patent"); and claims 1, 3, 5, 7-10, 18, and 20 of U.S. Patent No. 10,327,741 ("the '741 patent"). The complaint also alleged the existence of a domestic

industry.

The notice of investigation named Han Chang Medic of Chungnam, Republic of Korea ("HCM"); Wuxi NEST Biotechnology Co., Ltd. of Wuxi, Jiangsu, China; NEST Scientific Inc. and NEST Scientific USA, both of Rahway, New Jersey; Miraclean Technology Co., Ltd. of Shenzhen, Guangdong, China; Vectornate Korea Ltd. of Jangseong, Republic of Korea and Vectornate USA, Inc. of Mahwah, New Jersey (collectively, "Vectornate"); Innovative Product Brands, Inc. of Highland, California ("IPB"); Thomas Scientific, Inc. of Swedesboro, New Jersey ("Thomas Inc."); Thomas Scientific, LLC ("Thomas LLC") and Stellar Scientific, LLC ("Stellar"), both of Owings Mills, Maryland; Cardinal Health, Inc. of Dublin, Ohio ("Cardinal"); KSL Biomedical, Inc. and KSL Diagnostics, Inc., both of Williamsville, New York (collectively, "KSL"); Jiangsu Changfeng Medical Industry Co., Ltd. of Yangzhou, Jiangsu, China; No Borders Dental Resources, Inc., dba MediDent Supplies of Queen Creek, Arizona ("MediDent"); BioTeke Corporation (Wuxi) Co., Ltd. of Wuxi, Jiangsu, China; Fosun of Princeton, New Jersey; Hunan Runmei Gene Technology Co., Ltd. of Changsha, Hunan, China ("Runmei"); VWR International, LLC of Radnor, Pennsylvania ("VWR"); and Slmp, LLC dba StatLab Medical Products of McKinney, Texas as respondents. *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. Huanchenyang (Shenzhen) Technology Co., Ltd. ("HCY") and HCY USA, LLC were allowed to intervene as respondents in this investigation. Order No. 30 (Dec. 7, 2021), *unreviewed by* Notice (Jan. 6, 2021).

Subsequently, the investigation was terminated as to the KSL respondents, Thomas Inc., Thomas LLC, Cardinal, VWR, Vectornate, IPB, Stellar, and HCY. Order No. 20 (Nov. 15, 2021), *unreviewed by* Comm'n Notice (Dec. 6, 2021); Order Nos. 21-25 (all issued on Nov. 15, 2021), *unreviewed by* Comm'n Notice (Dec. 6, 2021); Order No. 33, *unreviewed by* Comm'n Notice (Jan. 10, 2022); Order No. 35 (Jan. 24, 2022), *unreviewed by* Notice (Feb. 16, 2022). Furthermore, respondents Runmei; HCM; and MediDent were found in default. Order No. 27 (Nov. 15, 2021), *unreviewed by* Comm'n Notice (Dec. 6, 2021); Order No. 31, *unreviewed by* Comm'n Notice (Jan. 10, 2022).

The Commission also subsequently terminated the investigation as to claim 7 of the '358 patent, claims 5 and 19 of the '779 patent, and claim 8 of the '741 patent. Order No. 32 (Dec. 15, 2021), *unreviewed by* Comm'n Notice (Jan. 10, 2022). The Commission also terminated the investigation as to claims 9 and 21 of the '358 patent and claim 11 of the '779 patent. Order No. 37 (Jan. 28, 2022), *unreviewed by* Notice (Feb. 16, 2022).

On March 24, 2022, complainants Copan and respondent Fosun filed a third joint motion to terminate the investigation as to Fosun based upon entry of a Consent Order ("Third Joint Motion"). The joint motion was unopposed.

On May 4, 2022, the ALJ issued the subject ID granting the motion. The ID noted that, in accordance with Commission Rule 210.21(c)(1)(ii), 19 CFR 210.21(c)(1)(ii), in

support of the Third Joint Motion, Copan and Fosun submitted a "Consent Order Stipulation" and a "Proposed Consent Order," attached to the ID as Attachments A and B, respectively. ID at 1. The ID further noted that, pursuant to Commission Rule 210.21(c), 19 CFR 210.21(c), Copan and Fosun "certify that there are no other agreements, written or oral, express or implied, between them concerning the subject matter of the Investigation." *Id*. at 2 (citing Third Joint Motion at 1).

The ID noted that Commission Rule 210.21(c)(3) sets forth certain requirements for the contents of a consent order stipulation, and found that the Consent Order Stipulation complies with the requirements of Commission Rule 210.21(c)(3). *Id*. (citing 19 CFR 210.21(c)(3)). The ID further noted that, additionally, Commission Rule 210.21(c)(4) sets forth certain requirements for the contents of the proposed consent order. *Id*. at 4 (citing 19 CFR 210.21(c)(4)). The ID found that the Proposed Consent Order submitted by Copan and Fosun complies with the requirements of Commission Rule 210.21(c)(4). *Id*. (citations omitted). The ID further found that termination of this investigation 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. *Id*. at 5. No party petitioned for review of the ID.

The Commission has determined not to review the subject ID. Accordingly, the investigation is terminated as to respondent Fosun, and the Commission has issued a consent order to Fosun.

The Commission vote for this determination took place on May 27, 2022.

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: May 27, 2022