

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN HEMOSTATIC PRODUCTS
AND COMPONENTS THEREOF**

Inv. No. 337-TA-913

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION PARTIALLY TERMINATING THE INVESTIGATION
BASED ON A 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. 8) issued by the presiding administrative law judge (“ALJ”) on June 20, 2014, terminating the investigation based on a withdrawal of the complaint with respect to respondents Johnson & Johnson (“J&J”) and Packaging Coordinators, Inc. (“PCI”).

FOR FURTHER INFORMATION: Cathy Chen, 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 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, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://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 7, 2014, based on a complaint filed on February 28, 2014, and supplemented on March 19, 2014, on behalf of Baxter International Inc. of Deerfield, Illinois; Baxter Healthcare Corporation of Deerfield, Illinois; and Baxter Healthcare SA of Switzerland (collectively, “Baxter”). 79 *Fed. Reg.* 19124-125 (Apr. 7, 2014). The complaint alleged violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the sale for importation, importation, and sale within the United States after importation of certain hemostatic products and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 8,303,981; 8,512,729; 6,066,325; 8,357,378; and 8,603,511. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337. The Commission’s notice of investigation

named as respondents J&J of Brunswick, New Jersey; Ethicon, Inc. of Somerville, New Jersey; Ferrosan Medical Devices A/S of Denmark; and PCI of Philadelphia, Pennsylvania (collectively, "Respondents"). *See 79 Fed. Reg.* at 19125 The Office of Unfair Import Investigations was named as a party to the investigation. *Id.*

On June 6, 2014, Baxter and the Respondents jointly moved to terminate the investigation as to J&J and PCI based on Baxter's withdrawal of its complaint with respect to J&J and PCI. Baxter, and Respondents assert that they have executed a Memorandum of Understanding that is fully effective and that there are no other agreements, written or oral, express or implied, between the parties concerning the subject matter of this investigation. Baxter and the Respondents state that the proposed termination as to J&J and PCI will not adversely affect the public interest factors. Additionally, they seek to stay the investigation with respect to J&J and PCI until the motion is resolved. The Commission's Investigative Attorney filed a response in support of the joint motion to terminate and stay the investigation with respect to J&J and PCI.

On June 20, 2014, the ALJ issued the subject ID, granting the joint motion for termination of the investigation with respect to J&J and PCI. *See Order No. 8.* The ALJ found that the parties have complied with the requirements of Commission Rule 210.21(a). *Id.* at 3. The ALJ also found that there was good cause to stay the investigation with respect to J&J and PCI pending final determination on the motion. *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 section 210 of the Commission's Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: July 14, 2014