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 GRANTING COMPLAINANTS' MOTION FOR SUMMARY DETERMINATION THAT THE ECONOMIC PRONG OF THE DOMESTIC INDUSTRY REQUIREMENT IS SATISFIED

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. 26) issued by the presiding administrative law judge ("ALJ") on November 13, 2014, granting complainants' motion for summary determination that the economic prong of the domestic industry requirement is satisfied in the above-identified investigation.

FOR FURTHER INFORMATION CONTACT: 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 (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("the '981 patent"); 8,512,729 ("the '729 patent"); 6,066,325 ("the '325 patent"); 8,357,378 ("the '378 patent"); and 8,603,511

("the '511 patent"). Subsequently, all asserted claims of the '981 patent were withdrawn from the investigation. *See* Notice of Commission Determination Not to Review an Initial Determination Partially Terminating the Investigation Based on a Withdrawal of Certain Asserted Claims (Oct. 30, 2014). 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 Johnson & Johnson ("J&J") of Brunswick, New Jersey; Ethicon, Inc. ("Ethicon") of Somerville, New Jersey; Ferrosan Medical Devices A/S ("Ferrosan") of Denmark; and Packaging Coordinators, Inc. ("PCI") of Philadelphia, Pennsylvania. 79 *Fed. Reg.* at 19125. The Office of Unfair Import Investigations (OUII) was named as a party to the investigation. *Id*. Subsequently, the investigation was terminated with respect to J&J and PCI. *See* Notice of Commission Determination Not to Review an Initial Determination Partially Terminating the Investigation Based on a Withdrawal of the Complaint (July 14, 2014).

On October 20, 2014, Baxter moved for a summary determination that it satisfies the economic prong of the domestic industry requirement. In its motion, Baxter asserted that Ethicon and Ferrosan have stipulated not to contest that Baxter has satisfied the economic prong of the domestic industry requirement. Baxter acknowledges that Ethicon and Ferrosan continue to contest whether Baxter's FLOSEAL hemostatic products meet the technical prong of the domestic industry requirement. OUII filed a response in support of the motion.

On November 13, 2014, the ALJ issued the subject ID, granting the motion for summary determination. The ALJ found that there is no dispute that Baxter has a significant investment in plant and equipment and significant employment of labor and capital for FLOSEAL hemostatic products at its Hayward manufacturing facility in California. No petitions for review were filed.

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: December 11, 2014