UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of **CERTAIN RECOMBINANT FACTOR VIII PRODUCTS**	**Investigation No. 337-TA-956**

NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL DETERMINATION GRANTING A MOTION FOR PARTIAL TERMINATION OF THE INVESTIGATION WITH RESPECT TO CERTAIN CLAIMS

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. 23) granting a motion to partially terminate the investigation with respect to claims 21, 36, 37, and 39 of U.S. Patent No. 6,100,061 ("the '06l patent"), all asserted claims (claims 20 and 21) of U.S. Patent No. 6,936,441 ("the '441 patent"), and claims 1 and 10 of U.S. Patent No. 8,084,252 ("the '252 patent").

FOR FURTHER INFORMATION CONTACT: Lucy Grace D. Noyola, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3438. 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 May 22, 2015, based on a complaint filed by Baxter International Inc. of Deerfield, Illinois; Baxter Healthcare Corporation of Deerfield, Illinois; and Baxter Healthcare SA of Glattpark, Switzerland. 80 *Fed. Reg.* 29745 (May 22, 2015). The complaint alleges 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, and the sale within the United States after importation of certain recombinant factor VIII products by reason of infringement of certain claims of the '061, '441, and '252 patents. *Id*. The notice of investigation names as respondents Novo Nordisk A/S of Bagsvaerd, Denmark and Novo Nordisk Inc. of Plainsboro, New Jersey (collectively, "Respondents"). *Id*. at 29746. The Office of Unfair Import Investigations ("OUII") also was

named as a party to the investigation. *Id*. On October 8, 2015, the Commission amended the complaint and notice of investigation to add Baxalta, Inc. of Deerfield, Illinois; Baxalta US Inc. of Deerfield, Illinois; and Baxalta GmbH of Glattpark, Switzerland as complainants. 80 *Fed. Reg.* 62569-70 (Oct. 16, 2015).

On December 8, 2015, Baxter International Inc., Baxter Healthcare Corporation, Baxter Healthcare SA, Baxalta, Inc., Baxalta US Inc., and Baxalta GmbH filed a motion to partially terminate the investigation with respect to claims 21, 36, 37, and 39 of the '06l patent, all asserted claims (claims 20 and 21) of the '441 patent, and claims 1 and 10 of the '252 patent. Respondents did not oppose the motion. On December 10, 2015, OUII filed a response in support of the motion.

On December 10, 2015, the presiding administrative law judge ("ALJ") issued an ID, Order No. 23, granting the motion. The ALJ found that the memorandum attached to the motion included a statement that there are no agreements between the parties concerning the subject matter of this investigation, with the exception of stipulations filed in this matter and routine agreements regarding service and discovery procedures. The ALJ also found no extraordinary circumstances preventing the partial termination of this investigation, and that partial termination is in the public interest because public and private resources will be conserved. No petitions for review of the ID 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 Part 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: January 5, 2016