

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN BONE CEMENTS,
COMPONENTS THEREOF AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-1153

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION GRANTING COMPLAINANTS' UNOPPOSED
MOTION FOR PARTIAL TERMINATION OF THE INVESTIGATION WITH
RESPECT TO CERTAIN ACCESSORY PRODUCTS**

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. 30) of the presiding Administrative Law Judge ("ALJ") granting complainants' unopposed motion for partial termination of the investigation with respect to certain accessory products.

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) 205-3115. 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, SW, Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://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 10, 2019, based on a complaint filed by Heraeus Medical LLC of Yardley, Pennsylvania, and Heraeus Medical GmbH of Wehrheim, Germany (collectively, "Heraeus"). 84 FR 14394-95 (Apr. 10, 2019). The complaint alleges a violation of section 337 by reason of misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure a domestic industry in the United States or to prevent the establishment of such an industry. The complaint named as respondents: Zimmer Biomet Holdings, Inc. of Warsaw,

Indiana; Biomet, Inc. of Warsaw, Indiana; Zimmer Orthopaedic Surgical Products, Inc. of Dover, Ohio; Zimmer Surgical, Inc. of Dover, Ohio; Biomet France S.A.R.L. of Valence, France; Biomet Deutschland GmbH of Berlin, Germany; Zimmer Biomet Deutschland GmbH of Freiburg im Breisgau, Germany; Biomet Europe B.V. of Dordrecht, Netherlands; Biomet Global Supply Chain Center B.V. of Dordrecht, Netherlands; Zimmer Biomet Nederland B.V. of Dordrecht, Netherlands; Biomet Orthopedics, LLC of Warsaw, Indiana; and Biomet Orthopaedics Switzerland GmbH of Dietikon, Switzerland. The Commission's Office of Unfair Import Investigations ("OUII") also was named as a party. Subsequently, the investigation was terminated as to respondents Zimmer Orthopaedic Surgical Products, Inc. and Biomet Europe B.V. Order No. 10 (May 23, 2019), *unreviewed* Notice (June 14, 2019). Also, the first amended complaint and notice of investigation were amended to add three entities as respondents: Zimmer US, Inc.; Zimmer, GmbH; and Biomet Manufacturing, LLC. Order No. 18 (June 26, 2019), *unreviewed* 84 FR 35884-85 (July 25, 2019).

On November 13, 2019, complainants Heraeus moved to terminate certain asserted claims from this investigation. Specifically, Heraeus seeks to partially terminate this investigation based on the withdrawal of the complaint as to the accessory products identified in Paragraph 37 of the amended complaint: the ClearMix™ Vacuum Mixing Systems and accessories, the Compact Cement Vacuum Mixing Systems and Miller™ Cement Delivery Systems and accessories, the Optipac® mixing system, mixing bowls, plugs, bone preparation kits, molds, diagnostic kits, and other mixing and delivery systems made or sold by the proposed Respondents that contain or are used with the proposed Respondents' bone cements (hereinafter referred to as the "Accessory Products"). ID at 1.

Heraeus represents that respondents Zimmer Biomet Holdings, Inc.; Biomet, Inc.; Zimmer Surgical, Inc.; Biomet France S.A.R.L.; Biomet Deutschland GmbH; Zimmer Biomet Deutschland GmbH; Biomet Global Supply Chain Center B.V.; Zimmer Biomet Nederland B.V.; Biomet Orthopedics, LLC; Biomet Orthopaedics Switzerland GmbH; Zimmer US, Inc.; Zimmer, GmbH; and Biomet Manufacturing, LLC (collectively, "Respondents" or "Zimmer Biomet"), and OUII do not oppose the present motion. *Id.* at 1-2 (citing Mot. at 1).

On November 14, 2019, the presiding ALJ issued the subject ID granting the motion. The ID finds that no extraordinary circumstances exist that would prevent the requested partial termination of this investigation. ID at 2. The ID also finds that Complainants complied with the requirements of Commission Rule 210.21(a), 19 CFR 210.21(a). *Id.* No party petitioned for review of the 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 Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: December 10, 2019