

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN HIGH-POTENCY SWEETENERS,
PROCESSES FOR MAKING SAME, AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-1264

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO
CERTAIN CLAIMS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 25) of the presiding administrative law judge (“ALJ”), terminating the investigation as to claims 12, 13, and 17 of U.S. Patent No. 10,023,546 (“the ’546 patent”); claims 5, 8, 9, and 22–24 of U.S. Patent No. 10,208,004 (“the ’004 patent”); claims 24, 25, 27–33, and 35–37 of U.S. Patent No. 10,233,163 (“the ’163 patent”); and claims 24, 25, 27–33, and 35–37 of U.S. Patent No. 10,590,095 (“the ’095 patent”) (collectively “the subject claims”).

FOR FURTHER INFORMATION CONTACT: Benjamin S. Richards, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 708-5453. 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: The Commission instituted this investigation on May 14, 2021. 86 FR 26544 (May 14, 2021). The complaint, as supplemented, was filed by complainants Celanese International Corporation of Irving, Texas; Celanese (Malta) Company 2 Limited of Qormi, Malta; and Celanese Sales U.S. Ltd. of Irving, Texas (collectively “Celanese”) and alleged 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, or the sale within the United States after importation of certain high-potency sweeteners, processes for making same, and products containing same by reason of infringement of certain claims of the ’546 patent, ’004 patent, ’163 patent, ’095 patent, and U.S. Patent No. 10,590,098. *Id.* The complaint

further alleged that a domestic industry exists. *Id.* The Commission's notice of investigation named twelve respondents. *Id.* On August 6, 2021, the ALJ issued an ID granting a motion by Celanese to add eleven additional respondents to the investigation. Order No. 14, *unreviewed by Comm'n Notice* (Aug. 23, 2021). On August 26, 2021, Celanese filed an amended complaint adding the eleven additional respondents. The Office of Unfair Import Investigations is also participating in this investigation. 86 FR at 26544.

On November 10, 2021, Celanese filed an unopposed motion seeking to terminate the investigation in part based on withdrawal of the complaint with respect to the subject claims. On November 23, 2021, the ALJ issued the subject ID granting Celanese's motion and terminating the investigation as to the subject claims. No petitions for review of the ID were received.

The Commission has determined not to review the subject ID. The investigation is terminated as to claims 12, 13, and 17 of the '546 patent; claims 5, 8, 9, and 22–24 of the '004 patent; claims 24, 25, 27–33, and 35–37 of the '163 patent; and claims 24, 25, 27–33, and 35–37 of the '095 patent.

The Commission vote for this determination took place on December 20, 2021.

While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant(s) complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

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: December 20, 2021