

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

**In the Matter of**

**CERTAIN 4-ANDROSTENEDIOL**

**Inv. No. 337-TA-440**

**LIMITED EXCLUSION ORDER**

The Commission instituted this investigation, which concerns allegations of unfair acts in violation of section 337 of the Tariff Act of 1930, 19 C.F.R. § 1337, in the importation and sale of certain 4-androstenediol (a nutritional supplement used by body-builders) on December 19, 2000. 65 *Fed. Reg.* 79424. On April 19, 2001, complainant LPJ, Inc. of Seymour, Illinois (LPJ) moved pursuant to 19 U.S.C. § 1337(a)(1) and 19 C.F.R. § 210.16 for an order directing the only respondent, Changzhou Huabang Pharmaceutical Group, Ltd. (Changzhou), to show cause why it should not be found in default for failure to respond to LPJ's complaint. The Commission investigative attorney (IA) supported LPJ's motion. The presiding administrative law judge (ALJ) issued Order No. 8 on April 30, 2001, directing Changzhou to show cause why it should not be found in default. Changzhou did not respond to that order.

On May 24, 2001, the ALJ issued an ID finding Changzhou in default pursuant to 19 C.F.R. § 210.16, and ruling that Changzhou had waived its rights to appear, to be served with documents, and to contest the allegations at issue in the investigation. No petitions for review of the ID were filed. The Commission decided not to review the ID on June 8, 2001, thereby allowing it to become the Commission's final determination under 19 C.F.R. § 210.42. 66 *Fed. Reg.* 32374 (June 14, 2001). On June 25, 2001, pursuant to 19 U.S.C. § 1337(g)(1) and 19 C.F.R. § 210.16(c)(1), complainant LPJ filed a declaration seeking limited relief against the defaulting respondent. In its declaration, LPJ requested that the Commission issue a limited exclusion order against Changzhou.

The Commission solicited comments from the parties, interested government agencies, and other persons concerning the issues of remedy, the public interest, and bonding. 66 *Fed. Reg.* 95809 (July 9, 2001). Complainant LPJ and the IA filed proposed remedial orders and addressed the issues of remedy, the public interest, and bonding. No comments were filed by government agencies or other interested persons.

Section 337(g)(1) of the Tariff Act of 1930 provides that the Commission shall presume the facts alleged in a complaint to be true, and upon request issue a limited exclusion order and/or cease and desist order if: (1) a complaint is filed against a person under section 337, (2) the complaint and a notice of investigation are served on the person, (3) the person fails to respond to the complaint and notice or otherwise fails to appear to answer the complaint and notice, (4) the person fails to show good cause why it should not be found in default, and (5) the complainant seeks relief limited to that person. Such an order shall be issued unless, after considering the effect of such exclusion, the Commission finds that such exclusion should not be issued. 19 U.S.C. § 1337(g)(1).

The Commission finds that each of the statutory requirements for the issuance of a limited exclusion order have been met with respect to defaulting respondent Changzhou. The Commission further determines that the public interest factors enumerated in section 337(g)(1) do not preclude the issuance of such relief. Based on the price difference between LPJ's product and Changzhou's product, the Commission determines that bond under the limited exclusion order during the Presidential review period shall be in the amount of one twenty-nine (29) percent of the entered value of the imported articles.

Accordingly, the Commission hereby ORDERS that:

1. 4-Androstenediol covered by claims 1, 2, 3, or 4 of U.S. Letters Patent 5,880,117 manufactured abroad and/or imported by or on behalf of Changzhou Huabang Pharmaceutical Group, Ltd. or any of its affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, is excluded from entry for consumption into the United States, entry for consumption from a foreign-trade zone, and withdrawal from a warehouse for consumption, for the remaining term of the patent, *i.e.*,

until July 13, 2018, except under license of the patent owner or as provided by law.

2. 4-Androstenediol that is excluded by this Order is entitled to entry for consumption into the United States, entry for consumption from a foreign-trade zone, and withdrawal from a warehouse for consumption, under bond in the amount of 29 percent of entered value pursuant to subsection (j) of section 337 of the Tariff Act of 1930, as amended 19 U.S.C. § 1337(j), from the day after this Order is received by the President until such time as the President notifies the Commission that he approves or disapproves this action but, in any event, not later than sixty (60) days after the date of receipt of this action.

3. In accordance with 19 U.S.C. § 1337(1), the provisions of this Order shall not apply to 4-androstenediol that is imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

4. The Commission may modify this Order in accordance with the procedures described in Rule 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

5. The Secretary shall serve copies of this Order upon each party of record in this investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

6. Notice of this Order shall be published in the *Federal Register*.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: \_\_\_\_\_