

**UNITED STATES INTERNATIONAL TRADE COMMISSION**

**Washington, D.C.**

**In the Matter of**

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

**Inv. No. 337-TA-1030**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW  
AN INITIAL DETERMINATION GRANTING RESPONDENT VITASWEET'S  
MOTION TO DE-DESIGNATE IMPROPERLY-DESIGNATED  
CONFIDENTIAL BUSINESS INFORMATION**

**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. 8) of the presiding administrative law judge (“ALJ”) granting Respondent Vitasweet Co., Ltd.’s motion to de-designate improperly-designated confidential business information (“CBI”).

**FOR FURTHER INFORMATION CONTACT:** Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-4716. 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 Investigation No. 337-TA-1030 on November 28, 2016, based on a complaint filed by Complainants Celanese International Corporation of Irving, Texas; Celanese Sales U.S. Ltd. of Irving, Texas; and Celanese IP Hungary Bt of Budapest, Hungary (collectively, “Complainants” or “Celanese”). *See* 81 FR 85640-1 (Nov. 28, 2016). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, the sale for importation, and 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 U.S. Patent No. 9,024,016 (“the ’016 patent”). *See id.* The notice of investigation identified Suzhou Hope Technology Co., Ltd. (“Hope”) of Suzhou City,

China; Anhui Jinhe Industrial Co., Ltd. (“Jinhe”) of Anhui, China; and Vitasweet Co., Ltd. (“Vitasweet”) of Beijing, China (collectively, “Respondents”) as respondents in this investigation. *See id.* The Office of Unfair Import Investigations is also a party to this investigation. *See id.*

On February 2, 2017, Complainants filed a motion for termination of the investigation based on the withdrawal of the complaint. On March 1, 2017, the ALJ issued an ID (Order No. 7) granting Complainants’ motion for termination. On March 20, 2017, the Commission issued a Notice determining not to review the ID and terminating the investigation. *See* 82 FR 15069 (Mar. 24, 2017).

On February 3, 2017, Respondent Vitasweet filed a motion to de-designate certain information on the basis that Complainants improperly designated such information as CBI. On February 13, 2017, Complainants filed a response in opposition to Vitasweet’s motion to de-designate. On the same day, Respondents Hope and Jinhe and the Commission Investigative Attorney filed responses in support of Vitasweet’s motion to de-designate. On March 28, 2017, the ALJ issued the subject ID (Order No. 8) granting Vitasweet’s motion to de-designate. No party has filed a petition for review of the subject 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.



Lisa R. Barton  
Secretary to the Commission

Issued: May 11, 2017