

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-1264

NOTICE OF INSTITUTION OF INVESTIGATION

Institution of investigation pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 8, 2021, under section 337 of the Tariff Act of 1930, as amended, on behalf of Celanese International Corporation of Irving, Texas; Celanese (Malta) Company 2 Limited of Qormi, Malta; and Celanese Sales U.S. Ltd. of Irving, Texas. A supplement to the complaint was filed on April 22, 2021. The complaint, as supplemented, alleges violations of section 337 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. 10,023,546 (“the ’546 patent”); U.S. Patent No. 10,208,004 (“the ’004 patent”); U.S. Patent No. 10,590,098 (“the ’098 patent”); U.S. Patent No. 10,233,163 (“the ’163 patent”); and U.S. Patent No. 10,590,095 (“the ’095 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

SUPPLEMENTARY INFORMATION:

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10 (2020).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on May 10, 2021, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1, 11-13, 15-18, 22, and 27 of the '546 patent; claims 1-5, 7-9, 11-13, 21-33, and 35-42 of the '004 patent; claims 1-5, 7-9, 11-12, 20-32, 34, and 36-38 of the '098 patent; claims 1, 4-5, 7-11, 13, 15-16, 18-19, and 22-37 of the '163 patent; and claims 1, 4-5, 7-11, 13, 15, 18-19, and 22-39 of the '095 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "Jinhe Ace-K sweetener products and manufacture processes thereof";

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Celanese International Corporation
222 West Las Colinas Blvd, Suite 900N
Irving, Texas 75039

Celanese (Malta) Company 2 Limited
78 Mill street, Zone 5
Central Business District, Qormi
CBD 5090, Malta

Celanese Sales U.S. Ltd.
222 West Las Colinas Blvd, Suite 900N
Irving, Texas 75039

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Anhui Jinhe Industrial Co., Ltd.
127 East Street, Lai'an County
Chuzhou City, Anhui 239200
People's Republic of China

Jinhe USA LLC
111 West Jackson Blvd., Suite 1350
Chicago, Illinois 60604

Agridient, Inc.
28580 Orchard Lake Road, Suite 205
Farmington Hills, Michigan 48334

Apura Ingredients Inc.
14168 Central Ave., Unit A
Chino, California 91710

Crossroad Ingredients
271 Route 46 West, Suite H206
Fairfield, New Jersey 07004

Hhoya USA Inc.
228 East 45th Street, Suite 9E
New York, New York 10017

Ingreedis US LLC
5 Chandler Court
Plainsboro, New Jersey 08536

NiuSource Inc.
14266 Euclid Ave.
Chino, California 91710

Prinova US LLC
6525 Muirfield Drive
Hanover Park, Illinois 60133

Prosweetz Ingredients Incorporated d/b/a Panasource Ingredients Inc.
98-A Mayfield Ave
Edison, New Jersey 08837

Suzhou-Chem Inc.
396 Washington Street, Suite 318
Wellesley, Massachusetts 02481

UMC Ingredients, LLC fka JRS International LLC
160 Chubb Avenue, Suite 206
Lyndhurst, New Jersey, 07071

c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.13. Pursuant to 19 C.F.R. 201.16(e) and 210.13(a), as amended in 85 Fed. Reg. 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: May 11, 2021