

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN FLOCKED SWABS,
PRODUCTS CONTAINING FLOCKED
SWABS, AND METHODS OF USING
SAME**

Investigation No. 337-TA-1279

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION SETTING A TARGET DATE OF APPROXIMATELY 17
MONTHS**

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. 14) of the presiding Administrative Law Judge (“ALJ”) setting a target date of approximately 17 months.

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) 205-2392. 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: On September 2, 2021, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by Copan Italia S.p.A. and Copan Industries, Inc. 86 FR 49343-44 (Sep. 2, 2021). The complaint alleges a violation 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 flocked swabs, products containing flocked swabs, and methods of using same by reason of infringement of certain claims of U.S. Patent Nos. 9,011,358 (“the ’358 patent”); 9,173,779 (“the ’779 patent”); and 10,327,741 (“the ’741 patent”). The complaint also alleges the existence of a domestic industry. The notice of investigation names Han Chang Medic of Chungnam, Republic of Korea; Wuxi NEST Biotechnology Co., Ltd. of Wuxi, Jiangsu, China; NEST Scientific Inc. of Rahway, New Jersey; NEST Scientific USA of Rahway, New

Jersey; Miraclean Technology Co., Ltd. of Shenzhen, Guangdong, China; Vectornate Korea Ltd. of Jangseong, Republic of Korea; Vectornate USA, Inc. of Mahwah, New Jersey; Innovative Product Brands, Inc. of Highland, California; Thomas Scientific, Inc. of Swedesboro, New Jersey; Thomas Scientific, LLC of Owings Mills, Maryland; Cardinal Health, Inc. of Dublin, Ohio; Ksl Biomedical, Inc. of Williamsville, New York; Ksl Diagnostics, Inc. of Williamsville, New York; Jiangsu Changfeng Medical Industry Co., Ltd. of Yangzhou, Jiangsu, China; No Borders Dental Resources, Inc., dba MediDent Supplies of Queen Creek, Arizona; BioTeke Corporation (Wuxi) Co., Ltd. of Wuxi, Jiangsu, China; Fosun Pharma USA Inc. of Princeton, New Jersey; Hunan Runmei Gene Technology Co., Ltd. Changsha, Hunan, China; VWR International, LLC of Radnor, Pennsylvania; and Slmp, LLC dba StatLab Medical Products of McKinney, Texas as respondents. *Id.* at 49343-44. The Commission’s Office of Unfair Import Investigations (“OUII”) is also named as a party in this investigation. *Id.* at 49344.

On September 22, 2021, the ALJ issued the subject ID setting a target date of approximately 17 months. The ID notes that the Commission instituted this investigation “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, 6-9, 11-14, 16-19, and 21-22 of the ’358 patent; claims 1, 4-6, 8, 9, 11-13, 16-20, and 22-24 of the ’779 patent; and claims 1, 3, 5, 7-10, 18, and 20 of the ’741 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337,” that the Commission directed the ALJ to “take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue,” and that the notice of institution names 21 entities as respondents. *Id.* at 1 (citations omitted).

The ID states that after considering the positions of the parties and in view of the ALJ’s responsibilities in other investigations, a target date of approximately 17 months is set for this investigation. *Id.* at 3. The ID notes that there are a large number of respondents, many of whom reside outside the United States, and that the Commission has delegated public interest to the ALJ. *Id.* The ID determines that the target date for completion of this investigation shall be Friday, February 3, 2023, and that, accordingly, the initial determination on alleged violation of section 337 shall be due by Monday, October 3, 2022. *Id.* at 3-4 (citing 19 C.F.R. § 210.42(a)(1)(i)). 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", enclosed within a large, stylized oval flourish.

Lisa R. Barton
Secretary to the Commission

Issued: October 22, 2021