

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN VAGINAL RING BIRTH
CONTROL DEVICES**

Investigation No. 337-TA-768

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION FINDING CERTAIN RESPONDENTS IN DEFAULT**

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. 16) issued by the presiding administrative law judge (“ALJ”) finding certain respondents in default.

FOR FURTHER INFORMATION CONTACT: Jia Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-4737. 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, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://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 this investigation on February 25, 2011, based on a complaint filed by Femina Pharma Incorporated (“Femina”) of Miami, Florida. *76 Fed. Reg.* 17444 (Feb. 25, 2011). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain vaginal ring birth control devices by reason of infringement of claim 1 of United States Patent No. 6,086,909. The complaint named numerous respondents, including, among others, The Canamerican Drugs Inc., The Canamerican Global Inc., Canadian Med Service, Panther Meds Inc., and Canada Drugs Online, collectively of Winnipeg, Manitoba, Canada; Drug World Canada, CanDrug Health Solutions Inc., Big Mountain Drugs, BestBuyRx.com, and Blue Sky Drugs, collectively of Surrey, British Columbia, Canada; ABC Online Pharmacy of Burnaby, British Columbia, Canada; Canadadrugs.com LP and North Drug Store, both of Winnipeg,

Manitoba, Canada; and Canada Pharmacy of Blaine, Washington (collectively “the non-participating respondents”).

The non-participating respondents’ responses to the amended complaint were due by June 1, 2011 but no responses were filed. On June 20, 2011, the ALJ issued Order No. 12 requiring each of the non-participating respondents to show cause why they should not be held in default. Order No. 12 also confirmed that each of the non-participating respondents was served with the amended complaint and notice of investigation. None of the non-participating respondents responded to Order No. 12.

On July 12, 2011, Femina moved pursuant to 19 U.S.C. § 1337(g)(1) and 19 C.F.R. § 210.16(a)(1) for entry of an ID finding the non-participating respondents in default. The Commission investigative attorney did not oppose the motion. No other parties responded to the motion.

On July 28, 2011, the ALJ issued the subject ID finding the non-participating respondents in default under 19 U.S.C. § 1337(g)(1) and 19 C.F.R. § 210.16(a)(1). The ALJ noted that pursuant to 19 C.F.R. § 210.16(a)(1), each of the non-participating respondents has waived its right to appear, to be served with documents, and to contest the allegations at issue. No petitions for review of the ID were filed.

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 C.F.R. Part 210).

By order of the Commission.

/s/
James R. Holbein
Secretary to the Commission

Issued: August 17, 2011