

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN COENZYME Q10 PRODUCTS  
AND METHODS OF MAKING SAME

Inv. No. 337-TA-790

NOTICE REGARDING INITIAL DETERMINATION ON VIOLATION OF SECTION  
337 AND RECOMMENDED DETERMINATION ON REMEDY AND BOND

(September 27, 2012)

On this date, I issued an initial determination on violation of section 337 and recommended determination on remedy and bond in the above-referenced investigation. Below are the conclusions of law from said filing, which are a matter of public record. A complete public version of the Initial Determination and Recommended Determination on Remedy and Bond will be issued when all the parties have submitted their redactions and I have had an opportunity to review the redactions.

CONCLUSIONS OF LAW

1. The Commission has subject matter jurisdiction, *in rem* jurisdiction, and *in personam* jurisdiction.
2. There has been an importation into the United States, sale for importation, or sale within the United States after importation of the accused coenzyme Q10 products, which are the subject of the alleged unfair trade allegations.
3. An industry does not exist in the United States that exploits U.S. Pat. No. 7,910,340, as required by 19 U.S.C. § 1337(a)(2).

4. Claims 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 29, 30, 31, 32, 33, 34, 35, 36, 37, 41, 42, 43, and 44 of U.S. Pat. No. 7,910,340 are not invalid pursuant to 35 U.S.C. § 102.

5. Claims 1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 29, 30, 31, 32, 33, 34, 35, 36, 37, 41, 42, 43, and 44 of U.S. Pat. No. 7,910,340 are not invalid pursuant to 35 U.S.C. § 103.

6. Claims 1, 11, 22, and 33, are not invalid as unpatentable under 35 U.S.C. § 101.

7. Claims 22-45 are not invalid pursuant to 35 U.S.C. §§ 112 ¶ 1 and 132(a).

8. Claims 1-45 are not invalid pursuant to 35 U.S.C. § 102(f).

9. The accused Shenzhou products do not infringe claims 1, 3-4, 6, 8-11, 13-15, 17, 19-22, 24-25, 27, 29-33, 35-37, 39, and 41-45 of U.S. Pat. No. 7,910,340.

10. The accused Maypro products do not infringe any claims of U.S. Pat. No. 7,910,340.


11. The accused XKGC and PRI products do not infringe claims 1, 4-6, 9, 11, 15-17, 20, 22, 25, 27, 29, 30, 33, 37-39, 41, 43, and 45 of U.S. Pat. No. 7,910,340.

12. The accused ZMC products do not infringe claims 1, 3, 4, 9-11, 13-15, 20-22, 24, 25, 29-31, 33, 35-37, and 41-44 of U.S. Pat. No. 7,910,340.

13. The accused MGC products do not infringe claims 1, 2, 4, 9-12, 14-15, 20-23, 25, 27, 29-31, 33-34, 36-37, 41-43, and 45 of U.S. Pat. No. 7,910,340.

14. There is no violation of 19 U.S.C. § 1337(a)(1) with respect to U.S. Pat. No. 7,910,340.

**SO ORDERED.**

  
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Robert K. Rogers, Jr.  
Administrative Law Judge