

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN NON-SHELLFISH DERIVED
GLUCOSAMINE AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-668

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING A JOINT MOTION TO TERMINATE
THE INVESTIGATION AS TO RESPONDENTS HYGIEIA HEALTH CO., LTD. AND
TSI HEALTH SCIENCES, INC. BASED ON A SETTLEMENT AGREEMENT**

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”) granting a joint motion to terminate the above-captioned investigation as to respondents Hygieia Health Co., Ltd. (“Hygieia”) and TSI Health Sciences, Inc. (“TSI”) based on a settlement agreement.

FOR FURTHER INFORMATION CONTACT: James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3065. 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 (<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: This investigation was instituted on March 4, 2009, based upon a complaint filed on behalf of Cargill, Inc. of Wayzata, Minnesota (“Cargill”) on January 28, 2009, and supplemented on February 13, 2009. 74 *Fed. Reg.* 9428 (March 4, 2009). 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 non-shellfish derived glucosamine and products containing same that infringe certain claims of United States Patent No. 7,049,433. The notice of investigation named six firms as respondents.

On April 28, 2009, Cargill and respondents Hygieia and TSI filed a joint motion pursuant to Commission Rule 210.21(b) to terminate the investigation based upon a settlement agreement and for leave not to serve remaining respondents with the “non-disclosable” version of the settlement agreement between these parties. On May 5, 2009, non-settling respondents Nantong Foreign Trade Medicines & Health Products Co., Ltd. (“NFT”) filed a response in opposition to the joint motion for leave not to serve the remaining respondents with the “non-disclosable” version of the settlement agreement but did not oppose termination. On May 8, 2009, the Commission investigative attorney filed a response in support of the motion. On May 13, 2009, the ALJ issued Order No. 11, granting the motion. Only that portion of the order relating to termination of the two respondents constitutes an ID. No petitions for review were filed.

The Commission has determined not to review the subject ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and of section 210.42(h) of the Commission’s Rules of Practice and Procedure (19 CFR § 210.42(h)).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: June 1, 2009