

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

In the Matter of

**CERTAIN COAMOXICLAV
PRODUCTS, POTASSIUM
CLAVULANATE PRODUCTS, AND
OTHER PRODUCTS DERIVED FROM
CLAVULANIC ACID**

Inv. No. 337-TA-479

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING A MOTION TO AMEND THE COMPLAINT AND
THE NOTICE OF INVESTIGATION**

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”) of the presiding administrative law judge (“ALJ”) in the above-captioned investigation granting an unopposed motion to amend the complaint and the notice of investigation.

FOR FURTHER INFORMATION CONTACT: Peter L. Sultan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3094. Copies of the ID and all other nonconfidential 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. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. 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>.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on September 5, 2002, on the basis of a complaint filed by GlaxoSmithKline plc and SmithKline Beecham Corp. (“complainants”) alleging a violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain coamoxiclav products, potassium clavulanate products, and

other products derived from clavulanic acid, by reason of misappropriation of trade secrets and unfair competition. 67 Fed. Reg. 57850 (September 12, 2002). The respondents are Biochemie GmbH, Biochemie SpA, Geneva Pharmaceuticals, Inc., and Novartis AG. Complainants alleged that respondents, in their production of the products subject to this investigation, are using a bacterial strain of *Streptomyces clavuligerus* known as SC7 that was stolen from complainants by one of complainants' employees in the United Kingdom.

On May 16, 2003, complainants filed a motion to amend their complaint and the notice of investigation to make two substantive changes: first, to substitute SmithKline Beecham, plc for GlaxoSmithKline, plc as a complainant; and second, to substitute "SM1879" for "SC7" as the name of the progenitor of the proprietary bacterial strains that form the basis for the complaint. No parties opposed this motion.

On May 20, 2003, the ALJ issued an ID (Order No. 14) in which he found that complainants had established good cause for amending the complaint and notice of investigation, and granted the motion. No petitions for review of the ID were filed.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, and section 210.42 of Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.42.

By order of the Commission.

Marilyn R. Abbott
Secretary

Issued: June 13, 2003