

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of)	
)	
CERTAIN SILDENAFIL OR ANY)	Inv. No. 337-TA-489
PHARMACEUTICALLY ACCEPTABLE)	
SALT THEREOF, SUCH AS SILDENAFIL)	
CITRATE, AND PRODUCTS)	
CONTAINING SAME)	
)	

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION FINDING RESPONDENT EBC CORPORATION 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 the presiding administrative law judge's ("ALJ's") initial determination ("ID") finding respondent EBC Corporation ("EBC") in default. Pursuant to Commission rule 210.16(c)(1), the complainant may now file with the Commission a request for immediate entry of relief against the respondent in default.

FOR FURTHER INFORMATION CONTACT: Wayne Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3090. Copies of the ALJ's 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. 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-ON-LINE) 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 March 6, 2003, based on a complaint filed by Pfizer, Inc. (“Pfizer”) of New York, New York. 68 *Fed. Reg.* 10749 (March 6, 2003). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, sale for importation, and sale within the United States after importation of certain sildenafil or any pharmaceutically acceptable salt thereof, such as sildenafil citrate, and products containing same by reason of infringement of claims 1-5 of Pfizer’s U.S. Patent No. 5,250,534. The Commission’s notice of investigation named EBC among the respondents.

On May 14, 2003, complainant Pfizer moved pursuant to section 337(g) and Commission rule 210.16 for issuance of an order directing EBC to show cause why it should not be found in default. On May 28, 2003, the ALJ issued Order No. 13, which ordered EBC to show cause by June 13, 2003, why it should not be found in default. EBC did not file a response to Order No. 13.

On June 25, 2003, the ALJ issued the subject ID (Order No. 15) finding EBC in default pursuant to Commission rules 210.16(a) and (b), and ruling that it had waived its right to appear, to be served with documents, and to contest the allegations in issue in the investigation. EBC did not file a petition for review of the 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 section 210.42 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: July 10, 2003