

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

**NOTICE OF RECEIPT OF COMPLAINT; SOLICITATION OF COMMENTS
RELATING TO THE PUBLIC INTEREST**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *In Re Certain Vaginal Ring Birth Control Devices*, DN 2789; the Commission is soliciting comments on any public interest issues raised by the complaint.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, Acting Secretary to the Commission, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>, and 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: The Commission has received a complaint filed on behalf of Femina Pharma Incorporated on February 25, 2011. The complaint alleges 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. The complaint names as respondents Merck & Co., Inc. of Whitehouse, NJ; Schering Plough Corporation of Kenilworth, NJ; Organon USA, Inc. of Roseland, NJ; N.V. Organon of Oss, Netherlands; CVS Caremark Corporation of Woonsocket, RI; CVS Pharmacy, Inc. of Woonsocket, RI; Wal-Mart Stores, Inc. of Betonville, AZ; Walgreens Co. of Deerfield, IL; The Canamerican Drugs Inc. of Winnipeg, Canada; The Canamerican Global Inc. of Winnipeg, Canada; Canadian Med Service of Winnipeg, Canada; Panther Meds Inc. of Winnipeg, Canada; Canada Drugs Online of British Columbia, Canada; Drug World Canada of British Columbia, Canada; CanDrug Health Solutions Inc. of British Columbia, Canada; Big Mountain Drugs of British Columbia, Canada; BestBuyRx.com of British Columbia, Canada; Blue Sky Drugs of British Columbia, Canada; ABC Online Pharmacy of Burnaby, Canada; Canadadrugs.com LP of Winnipeg, Canada; North Drug Store of Winnipeg,

Canada; and Canada Pharmacy of Blaine, WA.

The complainant, proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five pages in length, on any public interest issues raised by the complaint. Comments should address whether issuance of an exclusion order and/or a cease and desist order in this investigation would negatively affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

- (i) explain how the articles potentially subject to the orders are used in the United States;
- (ii) identify any public health, safety, or welfare concerns in the United States relating to the potential orders;
- (iii) indicate the extent to which like or directly competitive articles are produced in the United States or are otherwise available in the United States, with respect to the articles potentially subject to the orders; and
- (iv) indicate whether Complainant, Complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to an exclusion order and a cease and desist order within a commercially reasonable time.

Written submissions must be filed no later than by close of business, five business days after the date of publication of this notice in the *Federal Register*. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Submissions should refer to the docket number ("Docket No. 2789") in a prominent place on the cover page and/or the first page. The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf). Persons with questions regarding electronic filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 C.F.R. §201.6. Documents for which confidential treatment by the

Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

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 sections 201.10 and 210.50(a)(4) of the Commission's Rules of Practice and Procedure (19 CFR §§ 201.10, 210.50(a)(4)).

By order of the Commission.

William R. Bishop
Hearings and Meetings Coordinator

Issued: February 25, 2011