

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN GLUCOSYLATED
STEVIOL GLYCOSIDES, AND
PRODUCTS CONTAINING SAME

Inv. No. 337-TA-1085

Order No. 5: Initial Determination Setting Target Date

By publication of a notice in the *Federal Register* on November 27, 2017, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, the Commission instituted this investigation to determine:

[W]hether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain glucosylated steviol glycosides, and products containing same by reason of infringement of one or more of claims 1–14 of the '815 patent; and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

82 Fed. Reg. 56049 (Nov. 27, 2017).


The complainants are PureCircle USA Inc. of Oak Brook, Illinois; and PureCircle Sdn Bhd of Kuala Lumpur, Malaysia. The respondents are Sweet Green Fields USA LLC of Bellingham, Washington; Sweet Green Fields Co., Ltd. of Bellingham, Washington; and Ningbo Green-Health Pharma-ceutical Co., Ltd., a/k/a NB Green-Health Pharma-ceutical Co., Ltd. of Ningbo, Zhejiang, China. The Office of Unfair Import Investigations is not a party to this investigation. *Id.*

Initially, the target date for completion of this investigation was set at approximately

fifteen months and three weeks after institution of the investigation, *i.e.*, March 20, 2019; and the evidentiary hearing was scheduled for July 25 – 27, 2018. *See* Order No. 3 (Dec. 4, 2017). On December 11, 2017, the parties filed a joint discovery statement requesting that the hearing date be moved to August 22 – 24, 2018, and the new target date be set at April 22, 2019, due to previously scheduled trial commitments. *See* Joint Discovery Statement and Proposed Procedural Schedule, Ex. A at 4 (EDIS Doc. ID No. 631261).

As requested by the parties, the evidentiary hearing will be held August 22 – 24, 2018. In view of this change, and based upon the complaint, the notice of investigation, and the administrative law judge's current schedule, it is determined that the initial determination on alleged violation of section 337 shall be due on December 12, 2018, and that the target date for completion of this investigation is April 12, 2019, which is approximately sixteen months and two weeks after institution of the investigation. *See* 19 C.F.R. § 210.51(a); 19 C.F.R. § 210.42(a)(1)(i).

Pursuant to 19 C.F.R. § 210.42(h), this initial determination shall become the determination of the Commission unless a party files a petition for review of the initial determination pursuant to 19 C.F.R. § 210.43(a), or the Commission, pursuant to 19 C.F.R. § 210.44, orders on its own motion a review of the initial determination or certain issues contained herein.



David P. Shaw
Administrative Law Judge

Issued: December 12, 2017

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CONTAINING SAME**

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PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **Order No. 5 (Initial Determination)** has been served upon the following parties as indicated, on DEC 13 2017



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street SW, Room 112A
Washington, DC 20436

FOR COMPLAINANTS PURECIRCLE USA INC.; AND PURECIRCLE SDN BHD:	
Richard T. Mulloy, Esq. DLA PIPER LLP (US) 401 B Street, Suite 1700 San Diego, CA 92101	<input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
FOR RESPONDENTS SWEET GREEN FIELDS USA LLC; SWEET GREEN FIELDS CO., LTD.; AND NINGBO GREEN-HEALTH PHARMA-CEUTICAL CO., LTD:	
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