

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

In the Matter of

**CERTAIN PRODUCTS CONTAINING
PYRACLOSTROBIN AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1303

CONSENT ORDER

The U.S. International Trade Commission (“Commission”) instituted this investigation based on a complaint filed by BASF SE of Ludwigshafen, Germany and BASF Corporation of Florham Park, New Jersey (collectively, “Complainants” or “BASF”). 87 Fed. Reg. 11730-31 (Mar. 2, 2022). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products containing pyraclostrobin and components thereof by reason of infringement of claims 1-17 (collectively, “the Asserted Claims”) of U.S. Patent No. 7,816,392 (“the ’392 patent” or “the Asserted Patent”).

Respondent has executed a Consent Order Stipulation in which it agrees to the entry of this Consent Order and to all waivers and other provisions required by the Commission’s Rules of Practice and Procedure, 210.21(c) (19 C.F.R. § 210.21(c)).

IT IS HEREBY ORDERED THAT:

1. The Complainants in this Investigation are BASF SE, a German *societas europaea* company organized under the laws of the European Union with headquarters and principal place of business at Carl-Bosch- Str. 38, 67056 Ludwigshafen, Germany, and BASF Corporation, a Delaware corporation with headquarters and principal place of business at 100 Campus Drive, Florham Park, New Jersey 07932.
2. The Respondent covered by this Consent Order is Sharda Cropchem Ltd. (“Sharda India”), a public limited company incorporated in India with headquarters and principal place of business at Prime Business Park, 2nd Floor, Dashrathlal Joshi Road, Vile Parle (W), Mumbai, Maharashtra 400056, India.
3. The Commission instituted this investigation to determine whether certain “products containing crystalline modification IV of pyraclostrobin and components thereof” (collectively, the “Subject Articles”) imported into the United States, sold for importation into the United States, and/or sold within the United States after importation infringe the Asserted Claims of the ’392 patent.
4. Sharda India has executed a Consent Order Stipulation and stipulates to the entry of this Consent Order.
5. Pursuant to 19 C.F.R. § 210.21(c)(4)(iii), upon the entry of this Consent Order, Sharda India shall not sell for importation, import, or sell after importation Subject Articles, directly or indirectly, and shall not aid, abet encourage, participate in, or induce the sale for importation, the importation, or the sale after importation of Subject Articles except under consent or license from BASF.

6. Pursuant to 19 C.F.R. § 210.21(c)(4)(iv), upon entry of this Consent Order, Sharda India shall not sell within the United States or otherwise transfer (except exportation) any remaining inventory of imported Subject Articles in the United States.
7. Pursuant to 19 C.F.R. § 210.21(c)(4)(v), Sharda India shall cease and desist from importing and distributing the Subject Articles in the United States.
8. Pursuant to 19 C.F.R. § 210.21(c)(4)(vi), Sharda India shall be precluded from seeking judicial review or otherwise challenging or contesting the validity of this Consent Order.
9. Pursuant to 19 C.F.R. § 210.21(c)(4)(vii), Sharda India shall cooperate with and shall not seek to impede by litigation or other means the Commission's efforts to gather information under Subpart I of the Commission's Rules of Practice and Procedure, 19 C.F.R. Part 210.
10. Pursuant to 19 C.F.R. § 210.21(c)(4)(viii), Sharda India and its officers, directors, employees, agents, and any entity or individual acting on its behalf and with its authority shall not seek to challenge the validity or enforceability of the Asserted Claims in any administrative or judicial proceeding to enforce the Consent Order.
11. Pursuant to 19 C.F.R. § 210.21(c)(4)(ix), when the '392 patent expires, this Consent Order shall become null and void as to such.
12. Pursuant to 19 C.F.R. § 210.21(c)(x), if any claim of the '392 patent is held invalid or unenforceable by a court or agency of competent jurisdiction or if any article has been adjudicated not to infringe the asserted right in a final decision, no longer subject to appeal, this Consent Order shall become null and void as to such invalid or unenforceable claim or adjudicated article.

13. Pursuant to 19 C.F.R. § 210.21(c)(4)(xi), Sharda India has admitted that the Commission has in rem jurisdiction over Subject Articles that are the basis of this Investigation, in personam jurisdiction over Sharda India for the purposes of this Consent Oder, and subject matter jurisdiction over this Investigation.
14. Pursuant to 19 C.F.R. § 210.21(c)(xii), this Investigation is hereby terminated; provided, however, that enforcement, modification, or revocation of the Consent Order shall be carried out pursuant to Subpart I of the Commission's Rules of Practice and Procedure, 19 C.F.R. part 210.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: April 12, 2022