

**UNITED STATES COURT OF INTERNATIONAL TRADE
BEFORE THE HONORABLE RICHARD W. GOLDBERG, SENIOR JUDGE**

CP KELCO U.S., INC.,

Plaintiff,

V.

THE UNITED STATES,

Defendant,

NEIMENGGU FUFENG BIOTECHNOLOGIES
CO., LTD. and SHANDONG FUFENG
FERMENTATION CO., LTD.,

Defendant-Intervenors.

Consol. Court No. 13-00288

NOTICE OF APPEAL

Notice is hereby given that CP Kelco U.S., Inc., Plaintiff in the above-named action, hereby appeals to the United States Court of Appeals for the Federal Circuit from Slip Op. 18-120 and the Judgment issued on September 19, 2018 by the U.S. Court of International Trade in *CP Kelco U.S., Inc. v. United States*.

Respectfully submitted,

/s/ Nancy A. Noonan

Nancy A. Noonan

Matthew L. Kanna

Arent Fox LLP

1717 K Street, N.W.

Washington, DC 20006

Phone: (202) 857-6479

Counsel for CP Kelco U.S., Inc.

Dated: November 7, 2018

CERTIFICATE OF SERVICE
CP Kelco U.S., Inc. v. United States
CIT Ct. No. 13-00288

I hereby certify that on November 7, 2018, the attached **PLAINTIFF NOTICE OF APPEAL** was filed electronically with the Court on its electronic filing system. Pursuant to the Court's Administrative Order 02-01, this filing constitutes electronic service on all of the parties participating in this appeal.

/s/ Nancy A. Noonan
Nancy A. Noonan

APPEAL, CONSOLIDATION, TERMINATED

**U.S. Court of International Trade
LIVE Database (New York)
CIT DOCKET FOR CASE #: 1:13-cv-00288-RWG
Internal Use Only**

CP Kelco US, Inc. v. United States

Assigned to: Richard W. Goldberg

Lead Docket:

Member case:

1:13-cv-00289-RWG

Date Filed: 08/19/2013

Jury Demand: No

Jurisdiction:

28USC § 1581(c) Antidumping or Countervailing Duty
Determination(s)

Date Terminated: 09/17/2018

Date Reopened:

Category:

Final Affirmative Determinations: Investigations 19USC §
1516a(a)(2)(B)(i)

**Does this action raise an issue of
constitutionality?:** N

Agency:

U.S. Department of Commerce

Product Description:

Xanthan Gum

Export Country:

China

Plaintiff

CP Kelco US, Inc.

represented by **Nancy Aileen Noonan**

Arent Fox LLP

1717 K Street, NW.

Washington, DC 20006-5344

(202) 857-6479

Fax: (202) 857-6395

Email: nancy.noonan@arentfox.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

REGISTERED CONFIDENTIAL

FILER

United States Court of International Trade
One Federal Plaza
New York, New York 10278

I hereby certify that this is a true
copy of the original on file in this
office.

Date: 11/08/18

By: C. Chavez
Deputy Clerk

ATTORNEY IN SEALED GROUP
Bar Status: ACTIVE

Elyssa R. Kutner
Arent Fox LLP
1717 K Street, NW.
Washington, DC 20006
(202) 350-3640
Fax: (202) 857-6395
Email: elyssa.kutner@arentfox.com

ATTORNEY TO BE NOTICED
REGISTERED CONFIDENTIAL
FILER
Bar Status: ACTIVE

Matthew J. Clark
Arent Fox LLP
1717 K Street, NW.
Washington, DC 20006-5344
(202) 857-6066
Fax: (202) 857-6395
Email: matthew.clark@arentfox.com

ATTORNEY TO BE NOTICED
REGISTERED CONFIDENTIAL
FILER
ATTORNEY IN SEALED GROUP
Bar Status: ACTIVE

Matthew L. Kanna
Arent Fox LLP
1717 K Street, NW.
Washington, DC 20006-5344
(202) 715-8435
Fax: (202) 857-6395
Email: matthew.kanna@arentfox.com

ATTORNEY TO BE NOTICED
REGISTERED CONFIDENTIAL
FILER
ATTORNEY IN SEALED GROUP
Bar Status: ACTIVE

Tina Termei
Arent Fox LLP
1717 K Street, NW.
Washington, DC 20006-5344
(202) 360-3632
Fax: (202) 857-6395
Email: tina.termei@arentfox.com

TERMINATED: 01/11/2016
REGISTERED CONFIDENTIAL
FILER
Bar Status: ACTIVE

Defendant

United States

represented by **Alexander Orlando Canizares**
U.S. Department of Justice
Commerical Litigation Branch -
National Courts Section
P.O. Box 480
Ben Franklin Station
Washington, DC 20044
(202) 305-3274
Fax: (202) 514-8624
Email:
alexander.o.canizares@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
REGISTERED CONFIDENTIAL
FILER
ATTORNEY IN SEALED GROUP
Bar Status: ACTIVE

Amanda T. Lee
Of Counsel
U.S. Department of Commerce
Office of Chief Counsel for Trade
Enforcement and Compliance
1401 Constitution Avenue, NW.
Room 3618
Washington, DC 20230-0001
(202) 482-1353
Fax: (202) 482-4912
Email: amanda.lee@trade.gov
TERMINATED: 07/19/2017
REGISTERED CONFIDENTIAL
FILER
Bar Status: ACTIVE

Brandon Jerrold Custard
Of Counsel
U.S. Department of Commerce
Office of Chief Counsel for Trade
Enforcement & Compliance
1401 Constitution Avenue, NW.
Room 3622
Washington, DC 20230

(202) 482-1823
Fax: (202) 482-4912
Email: brandon.custard@trade.gov
ATTORNEY TO BE NOTICED
REGISTERED CONFIDENTIAL
FILER
ATTORNEY IN SEALED GROUP
Bar Status: ACTIVE

Heather Noel Doherty
Of Counsel
U.S. Department of Commerce
Office of Chief Counsel for Trade
Enforcement and Compliance
1401 Constitution Avenue, NW.
Room 3627
Washington, DC 20230-0001
(202) 482-4378
Fax: (202) 501-8045
TERMINATED: 09/05/2017
REGISTERED CONFIDENTIAL
FILER
Bar Status: ACTIVE

Henry Joseph Loyer
Of Counsel
U.S. Department of Commerce
Office of Chief Counsel for Trade
Enforcement and Compliance
1401 Constitution Avenue, NW.
Room 3627
Washington, DC 20230-0001
(202) 482-3547
Fax: (202) 482-4912
TERMINATED: 08/24/2016
REGISTERED CONFIDENTIAL
FILER
Bar Status: ACTIVE

Justin Ross Becker
Of Counsel
U.S. Department of Commerce
Office of Chief Counsel for Import
Administration
14th Street & Constitution Avenue,
NW.
Room 3622
Washington, DC 20230-0001

(202) 482-4378
Fax: (202) 501-8045
Email: justin.becker@trade.gov
TERMINATED: 07/20/2015
REGISTERED CONFIDENTIAL
FILER
Bar Status: ACTIVE

Loren Misha Preheim
U.S. Department of Justice
Commerical Litigation Branch - Civil
Division
P.O. Box 480
Ben Franklin Station
Washington, DC 20044
(202) 305-3087
Fax: (202) 305-8640
Email: Misha.Preheim@usdoj.gov
TERMINATED: 12/01/2014
REGISTERED CONFIDENTIAL
FILER
Bar Status: ACTIVE

Melissa Marie Brewer
Of Counsel
U.S. Department of Commerce
Office of Chief Counsel for Import
Administration
1401 Constitution Avenue, NW.
Washington, DC 20230-0001
(202) 482-1096
Fax: (202) 482-4912
Email: melissa.brewer@trade.gov
TERMINATED: 03/03/2016
REGISTERED CONFIDENTIAL
FILER
Bar Status: ACTIVE

Intervenor Defendant

**Neimenggu Fufeng Biotechnologies
Co., Ltd.**

represented by **Bruce M. Mitchell**
Grunfeld Desiderio Lebowitz Silverman
& Klestadt, LLP
599 Lexington Avenue
36th Floor
New York, NY 10022
(212) 973-7712
Fax: (212) 557-4415
Email: bmitchell@gdlsk.com

LEAD ATTORNEY
ATTORNEY TO BE NOTICED
REGISTERED CONFIDENTIAL
FILER
ATTORNEY IN SEALED GROUP
Bar Status: ACTIVE

Andrew Thomas Schutz
Grunfeld Desiderio Lebowitz Silverman
& Klestadt, LLP
1201 New York Avenue, NW.
Suite 650
Washington, DC 20005
(202) 661-7795
Fax: (202) 783-0405
Email: aschutz@gdlsk.com
ATTORNEY TO BE NOTICED
REGISTERED CONFIDENTIAL
FILER
ATTORNEY IN SEALED GROUP
Bar Status: ACTIVE

Brandon Michael Petelin
Grunfeld Desiderio Lebowitz Silverman
& Klestadt, LLP
1201 New York Avenue, NW.
Suite 650
Washington, DC 20005
(202) 783-6881
Fax: (202) 783-0405
Email: bpetelin@gdlsk.com
ATTORNEY TO BE NOTICED
REGISTERED CONFIDENTIAL
FILER
ATTORNEY IN SEALED GROUP
Bar Status: ACTIVE

Jordan Charles Kahn
Grunfeld Desiderio Lebowitz Silverman
& Klestadt, LLP
1201 New York Avenue, NW.
Suite 650
Washington, DC 20005
(202) 783-6881
Fax: (202) 783-0405
Email: jkahn@gdlsk.com
ATTORNEY TO BE NOTICED
REGISTERED CONFIDENTIAL

FILER
ATTORNEY IN SEALED GROUP
Bar Status: ACTIVE

Kavita Mohan
Grunfeld Desiderio Lebowitz Silverman
& Klestadt, LLP
1201 New York Avenue, NW.
Suite 650
Washington, DC 20005
(202) 783-6881
Fax: (202) 783-0405
Email: kmohan@gdlsk.com
TERMINATED: 08/17/2016
REGISTERED CONFIDENTIAL
FILER
Bar Status: ACTIVE

Mark E. Pardo
Grunfeld Desiderio Lebowitz Silverman
& Klestadt, LLP
1201 New York Avenue, NW.
Suite 650
Washington, DC 20005
(202) 783-6881
Fax: (202) 783-0405
Email: mpardo@gdlsk.com
TERMINATED: 06/23/2017
REGISTERED CONFIDENTIAL
FILER
Bar Status: ACTIVE

Ned Herman Marshak
Grunfeld Desiderio Lebowitz Silverman
& Klestadt, LLP
599 Lexington Avenue
36th Floor
New York, NY 10022
(212) 557-4000
Fax: (212) 557-4415
Email: nmarshak@gdlsk.com
ATTORNEY TO BE NOTICED
REGISTERED CONFIDENTIAL
FILER
ATTORNEY IN SEALED GROUP
Bar Status: ACTIVE

Intervenor Defendant

**Shandong Fufeng Fermentation Co.,
Ltd.**

represented by **Bruce M. Mitchell**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**REGISTERED CONFIDENTIAL
FILER**

ATTORNEY IN SEALED GROUP

Bar Status: ACTIVE

Andrew Thomas Schutz

(See above for address)

ATTORNEY TO BE NOTICED

**REGISTERED CONFIDENTIAL
FILER**

ATTORNEY IN SEALED GROUP

Bar Status: ACTIVE

Brandon Michael Petelin

(See above for address)

ATTORNEY TO BE NOTICED

**REGISTERED CONFIDENTIAL
FILER**

ATTORNEY IN SEALED GROUP

Bar Status: ACTIVE

Jordan Charles Kahn

(See above for address)

ATTORNEY TO BE NOTICED

**REGISTERED CONFIDENTIAL
FILER**

ATTORNEY IN SEALED GROUP

Bar Status: ACTIVE

Kavita Mohan

(See above for address)

TERMINATED: 08/17/2016

**REGISTERED CONFIDENTIAL
FILER**

Bar Status: ACTIVE

Mark E. Pardo

(See above for address)

TERMINATED: 06/23/2017

**REGISTERED CONFIDENTIAL
FILER**




Bar Status: ACTIVE



Ned Herman Marshak




(See above for address)
ATTORNEY TO BE NOTICED
REGISTERED CONFIDENTIAL
FILER
ATTORNEY IN SEALED GROUP
Bar Status: ACTIVE



Date Filed	#	Docket Text
08/19/2013	<u>1</u>	Summons of CP Kelco US, Inc.. Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Noonan, Nancy) (Entered: 08/19/2013)
08/19/2013	<u>2</u>	Form 5 Information Statement . Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Noonan, Nancy) (Entered: 08/19/2013)
08/19/2013	<u>3</u>	Form 11 Notice of Appearance of <i>Nancy A. Noonan, Matthew J. Clark & Matthew L. Kanna</i> . Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc..(Noonan, Nancy) (Entered: 08/19/2013)
08/19/2013	<u>4</u>	Form 13 Corporate Disclosure Statement . Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Noonan, Nancy) (Entered: 08/19/2013)
08/19/2013	<u>5</u>	Form 17 Business Proprietary Information Certification filed on behalf of <i>Nancy A. Noonan, Matthew J. Clark & Matthew L. Kanna</i> . Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Attachments: # <u>1</u> Form 17 Matthew J. Clark, # <u>2</u> Form 17 Matthew L. Kanna)(Noonan, Nancy) (Entered: 08/19/2013)
08/19/2013	<u>6</u>	Certificate of service for <i>Summons, Form 5 Information Statement, Form 11 Entries of Appearance, Form 13 Corporate Disclosure & Form 17's</i> (related document(s) <u>2</u> , <u>3</u> , <u>1</u> , <u>5</u> , <u>4</u>). Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Noonan, Nancy) (Entered: 08/19/2013)
08/20/2013	<u>7</u>	Summons served by Clerk's Office upon Plaintiff and appropriate Government Agency/Agencies . (Benbow, Troy) (Entered: 08/20/2013)
09/06/2013	<u>8</u>	Form 11 Notice of Appearance . Filed by Loren Misha Preheim of U.S. Department of Justice on behalf of United States.(Preheim, Loren) (Entered: 09/06/2013)
09/13/2013	<u>9</u>	Form 11 Notice of Appearance . Filed by Melissa Marie Brewer of U.S. Department of Commerce on behalf of United States.(Brewer, Melissa) (Entered: 09/13/2013)
09/18/2013	<u>10</u>	Complaint against United States. Administrative Record due by 11/4/2013. Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf



		of CP Kelco US, Inc.. (Attachments: # <u>1</u> Certificate of Service) (Noonan, Nancy) (Entered: 09/18/2013)
09/27/2013	<u>11</u>	Consent Motion to Intervene as defendant intervenor . Responses due by 10/16/2013. Filed by Mark E. Pardo of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Pardo, Mark) (Entered: 09/27/2013)
09/27/2013	<u>12</u>	Form 11 Notice of Appearance . Filed by Mark E. Pardo of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd..(Pardo, Mark) (Entered: 09/27/2013)
09/27/2013	<u>13</u>	Form 13 Corporate Disclosure Statement . Filed by Mark E. Pardo of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Pardo, Mark) (Entered: 09/27/2013)
09/27/2013	<u>14</u>	Form 17 Business Proprietary Information Certification filed on behalf of <i>Bruce Mitchell, Ned Marshak, Mark Pardo, Andrew Schutz, and Kavita Mohan</i> . Filed by Mark E. Pardo of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Pardo, Mark) (Entered: 09/27/2013)
09/30/2013	<u>15</u>	Order entered on 9/30/2013 Granting Neimenggu Fufeng Biotechnologies Co., Ltd. and Shangdong Fufeng Fermentation CO., Ltd. Consent Motion to intervene as Defendant-Intervenors (Related Doc # <u>11</u>).. (Benbow, Troy) (Entered: 09/30/2013)
10/02/2013	<u>16</u>	Order entered on 10/2/2013 assigning action to Judge Richard K. Eaton.(Cheevers, Casey) (Entered: 10/02/2013)
10/03/2013	<u>17</u>	Letter filed by the Honorable Judge Richard K. Eaton concerning <i>joint status report, scheduling order and statement of issues</i> . (Cheevers, Casey) (Entered: 10/03/2013)
10/17/2013	<u>18</u>	Form 11 Notice of Appearance . Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States.(Canizares, Alexander) (Entered: 10/17/2013)
10/23/2013	<u>19</u>	Administrative record for United States Department of Commerce filed . Filed by Melissa Marie Brewer of U.S. Department of Commerce on behalf of United States. (Attachments: # <u>1</u> Public Index, # <u>2</u> Proprietary Index, # <u>3</u> Certification, # <u>4</u> Final Determination) (Brewer, Melissa) (Entered: 10/23/2013)
11/15/2013	<u>20</u>	Form 17 Business Proprietary Information Certification filed on behalf of <i>Tina Termei</i> . Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Noonan, Nancy) (Entered: 11/15/2013)


11/15/2013	<u>21</u>	Form 11 Notice of Appearance of <i>Tina Termei</i> . Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc..(Noonan, Nancy) (Entered: 11/15/2013)
11/22/2013	<u>22</u>	Joint status report and proposed briefing schedule. Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Attachments: # <u>1</u> Proposed Scheduling Order, # <u>2</u> Statement of the Issues) (Noonan, Nancy) (Entered: 11/22/2013)
12/16/2013	<u>23</u>	Order entered on 12/16/2013 Scheduling Order: Dispositive motions, if any, due by 2/20/2014. Response to Dispositive Motion due by 5/21/2014. Replies due by 6/18/2014. Any motion for oral argument due by 6/25/2014. ORDERED that Court Nos. 13-288 and 13-289 are consolidated into a single actions as Ct. No. 13-288. (Cheevers, Casey) Modified on 12/16/2013 (Cheevers, Casey). (Entered: 12/16/2013)
02/11/2014	<u>24</u>	Consent Motion for extension of time until 3/6/2014 to file brief <i>and Request to Amend Scheduling Order</i> (related document(s) <u>23</u>). Responses due by 3/3/2014. Filed by Andrew Thomas Schutz of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd..(Schutz, Andrew) (Entered: 02/11/2014)
02/12/2014	<u>25</u>	Order entered on 2/12/2014 granting Motion for extension of time to file brief (Related Doc # <u>24</u>). ORDERED that Plaintiffs' Rule 56.2 brief will be due by 3/6/2014. Response briefs shall be due by 6/4/2014. Reply briefs shall be due by 7/2/2014. Requests for oral argument shall be due by 7/9/2014. (Cheevers, Casey) (Entered: 02/12/2014)
03/06/2014	 <u>26</u>	Confidential Motion for judgment on agency record 56.2 <i>and Memorandum of Law in Support</i> . Response to 56.2 Motion due by 6/4/2014. Filed by Andrew Thomas Schutz of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Schutz, Andrew) Modified on 3/7/2014 (Cheevers, Casey) (Entered: 03/06/2014)
03/06/2014	 <u>27</u>	Confidential Motion for judgment on agency record 56.2 & <i>Brief in Support Thereof</i> . Response to 56.2 Motion due by 6/4/2014. Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Attachments: # <u>1</u> Motion & Draft Order) (Noonan, Nancy) Modified on 3/7/2014 (Cheevers, Casey) (Entered: 03/06/2014)
03/07/2014	<u>28</u>	Public Motion for judgment on agency record 56.2 <i>and Memorandum of Law in Support</i> . Response to 56.2 Motion due by 6/4/2014. Filed by Andrew Thomas Schutz of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd..(Schutz, Andrew) Modified on 3/7/2014 (Cheevers, Casey). (Entered: 03/07/2014)
03/07/2014	 <u>29</u>	Confidential Motion for judgment on agency record 56.2 & <i>Brief in</i>


		<i>Support Thereof (Final Confidential Version)</i> . Response to 56.2 Motion due by 6/4/2014. Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Attachments: # <u>1</u> Motion 56.2 Motion & Draft Order)(Noonan, Nancy) Modified on 3/10/2014 (Cheevers, Casey). (Entered: 03/07/2014)
03/07/2014	<u>30</u>	Public Motion for judgment on agency record 56.2 & <i>Brief in Support Thereof</i> . Response to 56.2 Motion due by 6/4/2014. Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Attachments: # <u>1</u> Motion 56.2 Motion & Draft Order)(Noonan, Nancy) Modified on 3/10/2014 (Cheevers, Casey). (Entered: 03/07/2014)
03/13/2014	 <u>31</u>	Confidential Appendix to <i>Plaintiff CP Kelco US, Inc.'s Rule 56.2 Motion For Judgment Brief</i> (related document(s) <u>27</u>). Filed by Matthew L. Kanna of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Kanna, Matthew) (Entered: 03/13/2014)
03/13/2014	<u>32</u>	Public Appendix to <i>Plaintiff CP Kelco US, Inc.'s Rule 56.2 Motion for Judgement on the Agency Record Brief</i> (related document(s) <u>30</u>). Filed by Matthew L. Kanna of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Kanna, Matthew) (Entered: 03/13/2014)
03/13/2014	<u>33</u>	Errata Memorandum to the 56.2 <i>Brief in Support of Judgment on the Agency Record</i> . Filed by Matthew L. Kanna of Arent Fox LLP on behalf of CP Kelco US, Inc..(Kanna, Matthew) (Entered: 03/13/2014)
03/13/2014	 <u>34</u>	Confidential Appendix to <i>Fufeng's 56. 2 Motion and Brief</i> (related document(s) <u>26</u>). Filed by Kavita Mohan of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Mohan, Kavita) (Entered: 03/13/2014)
03/13/2014	<u>35</u>	Public Appendix to <i>Fufeng's 56.2 Motion and Brief</i> (related document (s) <u>28</u>). Filed by Kavita Mohan of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Mohan, Kavita) (Entered: 03/13/2014)
03/18/2014	<u>36</u>	Consent Motion for errata to correct <i>Memorandum of Law in Support of Fufeng's 56.2 Motion for Judgment Upon the Agency Record</i> . Filed with the Court electronically on 03/06/2014 as document number 26 (related document(s) <u>28</u> , <u>26</u>). Responses due by 4/7/2014. Filed by Kavita Mohan of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd..(Mohan, Kavita) (Entered: 03/18/2014)
03/19/2014	<u>37</u>	Order entered on 3/19/2014 granting Motion for errata (Related Doc # <u>36</u>). ORDERED that the corrections are deemed made without physical substitution of Fufeng's 56.2 Motion and Brief since the corrections are minor.(Cheevers, Casey) (Entered: 03/19/2014)

05/28/2014	<u>38</u>	Consent Motion for extension of time until 7/9/2014 to file response brief (related document(s) <u>25</u>). Responses due by 6/16/2014. Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States.(Canizares, Alexander) (Entered: 05/28/2014)
05/29/2014	<u>39</u>	Order entered on 5/29/2014 granting Motion for extension of time to file response brief. Response briefs must be filed no later than 7/9/2014. Reply briefs must be filed no later than 8/13/2014. Request for oral argument must be filed no later 8/20/2014.(Related Doc # <u>38</u>). (Cheevers, Casey) (Entered: 05/29/2014)
07/09/2014	<u>40</u>	Administrative record for United States Department of Commerce filed <i>Amended Proprietary Index to Administrative Record</i> . Filed by Melissa Marie Brewer of U.S. Department of Commerce on behalf of United States. (Attachments: # <u>1</u> Amended Proprietary Index, # <u>2</u> Amended Certification)(Brewer, Melissa) (Entered: 07/09/2014)
07/09/2014	 <u>41</u>	Confidential Response <i>in opposition</i> to motion <i>for judgment upon the agency record</i> (related document(s) <u>27</u> , <u>29</u>). Reply due by 8/13/2014. Filed by Mark E. Pardo of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd..(Pardo, Mark) Modified on 7/10/2014 (Cheevers, Casey). (Entered: 07/09/2014)
07/09/2014	<u>42</u>	Public Response <i>in opposition</i> to motion <i>for judgment upon the agency record</i> (related document(s) <u>30</u>). Reply due by 8/13/2014. Filed by Mark E. Pardo of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd..(Pardo, Mark) Modified on 7/10/2014 (Cheevers, Casey). (Entered: 07/09/2014)
07/09/2014	 <u>43</u>	Confidential Response <i>in opposition</i> to motion <i>for judgment upon the agency record</i> (related document(s) <u>26</u> , <u>27</u> , <u>29</u>). Reply due by 8/13/2014. Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States.(Canizares, Alexander) Modified on 7/10/2014 (Cheevers, Casey). (Entered: 07/09/2014)
07/09/2014	 <u>44</u>	Confidential Appendix <i>Tabs 1-4</i> (related document(s) <u>43</u>). Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States. (Attachments: # <u>1</u> Appendix Tabs 3-4)(Canizares, Alexander) (Entered: 07/09/2014)
07/09/2014	<u>45</u>	Public Response <i>in opposition to</i> to motion <i>for judgment upon the agency record</i> (related document(s) <u>28</u> , <u>30</u>). Reply due by 8/13/2014. Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States.(Canizares, Alexander) Modified on 7/10/2014 (Cheevers, Casey). (Entered: 07/09/2014)
07/09/2014	<u>46</u>	Public Appendix <i>Tabs 1-12</i> (related document(s) <u>45</u>). Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States. (Attachments: # <u>1</u> Appendix Tabs 3-6, # <u>2</u> Appendix

		Tabs 7-8, # <u>3</u> Appendix Tab 9, # <u>4</u> Appendix Tabs 10-12)(Canizares, Alexander) (Entered: 07/09/2014)
07/09/2014	<u>47</u>	Response to Plaintiffs-Respondents' Rule 56.2 to motion for Judgment on the Agency Record (related document(s) <u>28</u> , <u>26</u>). Reply due by 8/13/2014. Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc..(Noonan, Nancy) Modified on 7/10/2014 (Cheevers, Casey). (Entered: 07/09/2014)
07/10/2014	 <u>48</u>	Confidential Certificate of Compliance Regarding Defendant's Response to Plaintiffs' Motions for Judgment Upon the Agency Record (related document(s) <u>43</u>). Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States. (Canizares, Alexander) (Entered: 07/10/2014)
07/10/2014	<u>49</u>	Certificate of Compliance Regarding Defendant's Response to Plaintiffs' Motion for Judgment Upon the Agency Record (related document(s) <u>45</u>). Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States. (Canizares, Alexander) (Entered: 07/10/2014)
07/16/2014	 <u>50</u>	Confidential Appendix to Fufeng's Response Brief in Opposition to Plaintiff's 56.2 Motion (related document(s) <u>41</u>). Filed by Mark E. Pardo of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Pardo, Mark) (Entered: 07/16/2014)
07/16/2014	<u>51</u>	Public Appendix to Fufeng's Response Brief in Opposition to Plaintiff's 56.2 Motion (related document(s) <u>42</u>). Filed by Mark E. Pardo of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Pardo, Mark) (Entered: 07/16/2014)
07/16/2014	 <u>52</u>	Confidential Appendix To Defendant-Intervenor CP Kelco US, Inc.s Response To Plaintiffs Rule 56.2 Motion (related document(s) <u>47</u>). Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Attachments: # <u>1</u> Appendix Part 2 of 2)(Noonan, Nancy) (Entered: 07/16/2014)
07/16/2014	<u>53</u>	Public Appendix To Defendant-Intervenor CP Kelco US, Inc.s Response To Plaintiffs Rule 56.2 Motion (related document(s) <u>47</u>). Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Attachments: # <u>1</u> Appendix Part 2 of 2)(Noonan, Nancy) (Entered: 07/16/2014)
07/22/2014	<u>54</u>	Consent Motion for extension of time until 9/12/2014 to File all Rule 56.2 Motion Reply Briefs and Request to Amend the Scheduling Order (related document(s) <u>39</u>). Responses due by 8/11/2014. Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Noonan, Nancy) (Entered: 07/22/2014)

07/23/2014	<u>55</u>	Order entered on 7/23/2014 granting Motion for extension of time (Related Doc # <u>54</u>). Plaintiff's Reply brief due by 9/12/2014. Request for oral argument due by 9/19/2014. (Cheevers, Casey) (Entered: 07/23/2014)
08/12/2014	<u>56</u>	Order entered on 8/12/2014 reassigning action from Judge Richard K. Eaton to Senior Judge Richard W. Goldberg.(Cheevers, Casey) (Entered: 08/12/2014)
09/11/2014	<u>57</u>	Consent Motion for extension of time until 10/3/2014 to file reply brief (related document(s) <u>55</u>). Responses due by 9/30/2014. Filed by Kavita Mohan of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd..(Mohan, Kavita) (Entered: 09/11/2014)
09/11/2014	<u>58</u>	Order entered on 9/11/2014 granting Motion for extension of time to file reply brief. Reply brief due by 10/3/2014. Request for Oral Argument due by 10/10/2014. (Related Doc # <u>57</u>). (Goell, Geoffrey). (Entered: 09/11/2014)
10/03/2014	<u>59</u>	Reply <i>Brief</i> (related document(s) <u>47</u> , <u>43</u> , <u>45</u>). Filed by Mark E. Pardo of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd..(Pardo, Mark) (Entered: 10/03/2014)
10/03/2014	 <u>60</u>	Confidential Reply <i>Brief</i> (related document(s) <u>43</u> , <u>41</u>). Filed by Matthew L. Kanna of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Kanna, Matthew) (Entered: 10/03/2014)
10/06/2014	<u>61</u>	Public Reply <i>Brief of Plaintiff CP Kelco US, Inc.</i> (related document(s) <u>60</u> , <u>42</u> , <u>45</u>). Filed by Matthew L. Kanna of Arent Fox LLP on behalf of CP Kelco US, Inc..(Kanna, Matthew) (Entered: 10/06/2014)
10/10/2014	<u>62</u>	Motion for oral argument on (related document(s) <u>58</u>). Responses due by 10/29/2014. Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc..(Noonan, Nancy) (Entered: 10/10/2014)
10/10/2014	 <u>63</u>	Confidential Appendix to <i>Plaintiff's Rule 56.2 Reply Brief</i> (related document(s) <u>60</u>). Filed by Matthew L. Kanna of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Kanna, Matthew) (Entered: 10/10/2014)
10/10/2014	<u>64</u>	Public Appendix to <i>Plaintiff's Rule 56.2 Reply Brief</i> (related document (s) <u>61</u>). Filed by Matthew L. Kanna of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Kanna, Matthew) (Entered: 10/10/2014)
10/29/2014	<u>65</u>	Order entered on 10/29/2014 granting Motion for oral argument (Related Doc # <u>62</u>). An oral argument is scheduled for 12/3/2014 at 10:30 AM in Courtroom No. 2 before Senior Judge Richard W. Goldberg at the U.S. Court of International Trade, NY, NY. (Cheevers, Casey) (Additional attachment(s) added on 3/26/2015: # <u>1</u> Appearance List) (Cheevers, Casey). (Entered: 10/29/2014)

11/21/2014	<u>66</u>	Motion to remand case (<i>partial</i>). Responses due by 12/10/2014. Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States.(Canizares, Alexander) (Entered: 11/21/2014)
11/25/2014	<u>67</u>	Form 11 Notice of Appearance . Filed by Justin Ross Becker of U.S. Department of Commerce on behalf of United States.(Becker, Justin) (Entered: 11/25/2014)
12/01/2014	<u>68</u>	Form 12 Substitution of Attorney filed by <i>Alexander O. Canizares</i> to appear in place of <i>L. Misha Preheim</i> . Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States. (Canizares, Alexander) (Entered: 12/01/2014)
12/01/2014	<u>69</u>	Letter issued by The Honorable Richard W. Goldberg concerning <i>questions for the parties in preparation for oral argument</i> . (Goell, Geoffrey). (Entered: 12/01/2014)
12/03/2014	70	Oral Argument held on 12/3/2014 at 10:30 a.m. in Courtroom 2. . (Goell, Geoffrey) (Entered: 12/03/2014)
01/07/2015	<u>71</u>	Amended Form 11 Notice of Appearance . Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc..(Noonan, Nancy) (Entered: 01/07/2015)
03/31/2015	 <u>72</u>	Confidential Slip Opinion 15-27 entered on 3/31/2015. (related document(s) <u>28</u> , <u>26</u> , <u>27</u> , <u>30</u> , <u>29</u>). ORDERED that Plaintiff's Rule 56.2 Motions for Judgment on the Agency Record are granted. ORDERED that Commerce shall have 90 days from date of this Opinion to file its Remand Redetermination. Plaintiff and Defendant-Intervenor shall have 30 days to file comments. Defendant shall have 30 days from the filing of Plaintiff and Defendant-Intervenor's comments to file comments. (Cheevers, Casey) (Entered: 03/31/2015)
03/31/2015	<u>73</u>	Letter filed by the Honorable Richard W. Goldberg concerning <i>non-bracketed information for Public Version of Slip Op. 15-27</i> . Responses due by 4/7/2015. (Cheevers, Casey) (Entered: 03/31/2015)
04/07/2015	<u>74</u>	Response to Court's Request/Order for Comments on Bracketing of Confidential Information in Slip Op. 15-27. Filed by Mark E. Pardo of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Pardo, Mark) (Entered: 04/07/2015)
04/07/2015	<u>75</u>	Response to Court's Request/Order for Comments on Bracketing of Confidential Information in Slip Op.15-27. Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States. (Canizares, Alexander) (Entered: 04/07/2015)
04/07/2015	<u>76</u>	Response to Court's Request/Order for Comments on Bracketing of Confidential Information in Slip Op.15-27. Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Noonan, Nancy) (Entered: 04/07/2015)

04/08/2015	<u>77</u>	Errata filed for slip opinion 15-27 (<i>Errata is for Confidential Version of Slip Op. 15-27 that was issued March 31, 2015</i>). (related document(s) <u>72</u>). (Cheevers, Casey) (Entered: 04/08/2015)
04/08/2015	<u>78</u>	Public Version of Confidential Slip Opinion 15-27 entered on 4/8/2015. Public Version of Slip Op. 15-27 includes changes indicated in the Errata issued on 4/8/2015. (related document(s) <u>72</u>).(Cheevers, Casey) (Entered: 04/08/2015)
06/23/2015	<u>79</u>	Consent Motion for extension of time until 7/29/2015 to <i>File Remand Redetermination</i> . Responses due by 7/13/2015. Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States.(Canizares, Alexander) (Entered: 06/23/2015)
06/24/2015	<u>80</u>	Order entered on 6/24/2015 granting Motion for extension of time (Related Doc # <u>79</u>). Remand Results due by 7/29/2015. Plaintiff and defendants-intervenors comments due by 8/28/2015. Defendant's response due by 9/27/2015. (Love, Cynthia) ((Entered: 06/24/2015)
07/21/2015	<u>81</u>	Notice of withdrawal as attorney of record filed by <i>Notice of Withdrawal of Justin Becker</i> . Filed by Melissa Marie Brewer of U.S. Department of Commerce on behalf of United States.(Brewer, Melissa) (Entered: 07/21/2015)
07/28/2015	 <u>82</u>	Confidential Remand results filed by Final Remand Redetermination - Proprietary Version . Filed by Melissa Marie Brewer of U.S. Department of Commerce on behalf of United States. (Attachments: # <u>1</u> Proprietary - Final Remand Redetermination)(Brewer, Melissa) (Entered: 07/28/2015)
07/28/2015	<u>83</u>	Remand results filed by US Department of Commerce <i>Final Remand Redetermination - Public Version</i> . Filed by Melissa Marie Brewer of U.S. Department of Commerce on behalf of United States. (Attachments: # <u>1</u> Public - Final Remand Redetermination)(Brewer, Melissa) (Entered: 07/28/2015)
08/07/2015	<u>84</u>	Administrative record for US Department of Commerce filed <i>Remand Record Index</i> . Filed by Melissa Marie Brewer of U.S. Department of Commerce on behalf of United States. (Attachments: # <u>1</u> Remand Record Index, # <u>2</u> Remand Record Declaration)(Brewer, Melissa) (Entered: 08/07/2015)
08/28/2015	<u>85</u>	Comments on remand results (related document(s) <u>83</u> , <u>82</u>). Filed by Tina Termei of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Termei, Tina) (Entered: 08/28/2015)
08/28/2015	<u>86</u>	Comments on remand results (related document(s) <u>80</u>). Filed by Mark E. Pardo of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Pardo, Mark) (Entered: 08/28/2015)
08/28/2015	<u>87</u>	Public Appendix to <i>Fufeng's Comments on Remand</i> (related document


		(s) <u>86</u>). Filed by Mark E. Pardo of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Pardo, Mark) Modified on 9/2/2015 (Cheevers, Casey). (Entered: 08/28/2015)
09/02/2015	<u>88</u>	Certificate of Compliance <i>for Defendant-Intervenor's Remand Comments</i> (related document(s) <u>86</u>). Filed by Andrew Thomas Schutz of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Schutz, Andrew) (Entered: 09/02/2015)
09/19/2015	<u>89</u>	Consent Motion for extension of time until 10/28/2015 to <i>File Response to Comments on the Remand Redetermination</i> (related document(s) <u>83</u> , <u>86</u> , <u>85</u>). Responses due by 10/13/2015. Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States. (Canizares, Alexander) (Entered: 09/19/2015)
09/21/2015	<u>90</u>	Order entered on 9/21/2015 granting Motion for extension of time to file response to comments on remand (Related Doc # <u>89</u>). Reply on Comments on Remand Results due by 10/28/2015. (Goell, Geoffrey) (Entered: 09/21/2015)
10/28/2015	<u>91</u>	Unopposed Motion for extension of time until 11/30/2015 to <i>File Response to Comments Upon the Remand Redetermination</i> (related document(s) <u>83</u> , <u>86</u> , <u>85</u>). Responses due by 11/17/2015. Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States.(Canizares, Alexander) (Entered: 10/28/2015)
10/29/2015	<u>92</u>	Order entered on 10/29/2015 granting Motion for extension of time (Related Doc # <u>91</u>). ORDERED that the Defendant's response comments on the remand redetermination shall be due 11/30/2015. (Cheevers, Casey) (Entered: 10/29/2015)
11/25/2015	<u>93</u>	Unopposed Motion for extension of time until 12/4/2015 to <i>File Response to Comments Upon Remand Redetermination</i> (related document(s) <u>83</u> , <u>86</u> , <u>85</u>). Responses due by 12/14/2015. Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States.(Canizares, Alexander) (Entered: 11/25/2015)
11/30/2015	<u>94</u>	Order entered on 11/30/2015 granting Motion for extension of time (Related Doc # <u>93</u>). ORDERED that defendant's response to comments on the remand redetermination shall be filed no later than 12/4/2015. (Cheevers, Casey) (Entered: 11/30/2015)
12/04/2015	<u>95</u>	Reply to comments on remand results (related document(s) <u>87</u> , <u>86</u> , <u>85</u>). Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States. (Canizares, Alexander) (Entered: 12/04/2015)
12/14/2015	<u>96</u>	Motion for oral argument on <i>Remand Redetermination</i> (related

		document(s) <u>82</u>). Responses due by 1/4/2016. Filed by Mark E. Pardo of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd..(Pardo, Mark) (Entered: 12/14/2015)
12/21/2015	<u>97</u>	Order entered on 12/21/2015 granting Motion for oral argument (Related Doc # <u>96</u>). An oral argument is scheduled for 2/16/2016 10:30 AM in Courtroom No. 2 before Richard W. Goldberg. (Goell, Geoffrey) (Entered: 12/21/2015)
01/11/2016	<u>98</u>	Form 18 Notice of Termination of Access to Business Proprietary Information filed on behalf of <i>Tina Termei</i> . Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Noonan, Nancy) (Entered: 01/11/2016)
02/03/2016	99	The time for the 2/16/2016 oral argument has been changed from 10:30 a.m to 2:00 p.m. in Courtroom No. 2. (Cheevers, Casey) (Entered: 02/03/2016)
02/16/2016	<u>100</u>	Oral Argument held on 2/16/2016 at 2:19 p.m. in Courtroom No. 2 at the U.S. Court of International Trade. <i>Appearance Sheet attached.</i> . (Cheevers, Casey) (Entered: 02/17/2016)
03/03/2016	<u>101</u>	Notice of withdrawal as attorney of record filed by <i>Melissa Marie Brewer</i> . Filed by Melissa Marie Brewer of U.S. Department of Commerce on behalf of United States. (Brewer, Melissa) (Entered: 03/03/2016)
03/18/2016	<u>102</u>	Form 11 Notice of Appearance . Filed by Heather Noel Doherty of U.S. Department of Commerce on behalf of United States.(Doherty, Heather) (Entered: 03/18/2016)
04/08/2016	<u>103</u>	Order entered on 4/8/2016, Slip opinion: 16-36. ORDERED that the Remand Results are remanded to Commerce for redetermination in accordance with this Opinion and Order; it is further ORDERED that Commerce must issue a redetermination (Remand Redetermination) in accordance with this Opinion and Order that is in all respects supported by substantial evidence, in accordance with law, and supported by adequate reasoning; it is further ORDERED that Commerce shall reevaluate whether the Thai Ajinomoto or Thai Fermentation financial statements constitute the better source for surrogate financial ratios, explicitly comparing the imperfection in the Thai Ajinomoto statements (evidence of subsidies) with that in the Thai Fermentation statements (incompleteness), and shall recalculate the surrogate financial ratios consistent with this decision; it is further ORDERED that Commerce shall recalculate Fufengs weighted-average dumping margins consistent with any recalculation of the surrogate financial ratios; it is further that Commerce shall have ninety (90) days from the date of this Opinion and Order in which to file its Remand Redetermination, which shall comply with all directives in this Opinion and Order; that the Plaintiff and Defendant-Intervenor shall have thirty (30) days from the filing of

		the Remand Redetermination in which to file comments thereon; and that the Defendant shall have thirty (30) days from the filing of Plaintiff and Defendant-Intervenors comments to file comments. (related document(s) <u>83</u> , <u>82</u>).(Love, Cynthia) (Entered: 04/08/2016)
06/24/2016	<u>104</u>	Consent Motion for extension of time until 8/22/2016 to <i>File Remand Redetermination</i> . Responses due by 7/13/2016. Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States.(Canizares, Alexander) (Entered: 06/24/2016)
06/27/2016	<u>105</u>	Order entered on 6/27/2016 granting Motion for extension of time (Related Doc # <u>104</u>).ORDERED that the Remand Redetermination shall be filed by 8/22/2016, plaintiff's and defendant-intervenor's responses to the remand redetermination shall be filed by 9/21/2016, and defendant's responses to any responses to the remand redetermination shall be filed no later than 10/21/2016. (Cheevers, Casey) (Entered: 06/27/2016)
08/16/2016	<u>106</u>	Form 18 Notice of Termination of Access to Business Proprietary Information filed on behalf of <i>Kavita Mohan</i> . Filed by Andrew Thomas Schutz of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of defendant-intervenors. (Schutz, Andrew) Modified on 8/17/2016 (Cheevers, Casey). (Entered: 08/16/2016)
08/22/2016	<u>107</u>	Form 11 Notice of Appearance . Filed by Henry Joseph Loyer of U.S. Department of Commerce on behalf of United States.(Loyer, Henry) (Entered: 08/22/2016)
08/22/2016	<u>108</u>	Letter . Filed by Heather Noel Doherty of U.S. Department of Commerce on behalf of United States. (Attachments: # <u>1</u> Remand Results)(Doherty, Heather) (Entered: 08/22/2016)
08/22/2016	<u>109</u>	Remand results filed by U.S. Department of Commerce . (Cheevers, Casey) (Entered: 08/23/2016)
08/24/2016	<u>110</u>	Form 18A Notification of Termination of Government Attorney Access to Business Proprietary Information on behalf of <i>Henry Joseph Loyer</i> . Filed by Henry Joseph Loyer of U.S. Department of Commerce on behalf of United States. (Loyer, Henry) (Entered: 08/24/2016)
08/31/2016	<u>111</u>	Administrative record for U.S. Department of Commerce filed . Filed by Heather Noel Doherty of U.S. Department of Commerce on behalf of United States. (Attachments: # <u>1</u> Remand Record Declaration, # <u>2</u> Remand Administrative Record Index)(Doherty, Heather) (Entered: 08/31/2016)
09/21/2016	<u>112</u>	Comments on remand results <i>Filed by Defendant-Intervenor Fufeng Pursuant to the 2nd Final Results of Redetermination</i> . Filed by Mark E. Pardo of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Pardo, Mark) (Entered: 09/21/2016)

09/21/2016	<u>113</u>	Comments on remand results (related document(s) <u>109</u>). Filed by Matthew L. Kanna of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Kanna, Matthew) (Entered: 09/21/2016)
09/22/2016	<u>114</u>	Form 11 Notice of Appearance <i>Ned Marshak</i> . Filed by Andrew Thomas Schutz of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd., (Schutz, Andrew) Modified on 9/22/2016 (Goell, Geoffrey). (Entered: 09/22/2016)
09/22/2016	<u>115</u>	Form 11 Notice of Appearance <i>Bruce Mitchell</i> . Filed by Andrew Thomas Schutz of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd. (Schutz, Andrew). Modified on 9/22/2016 (Goell, Geoffrey). (Entered: 09/22/2016)
10/07/2016	<u>116</u>	Consent Motion for extension of time until 11/4/2016 to <i>File Response to Comments Upon Remand Redetermination</i> (related document(s) <u>113</u> , <u>112</u>). Responses due by 10/26/2016. Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States. (Canizares, Alexander) (Entered: 10/07/2016)
10/07/2016	<u>117</u>	Order entered on 10/7/2016 granting Consent Motion for extension of time to file response comments on remand (Related Doc # <u>116</u>). Reply on Comments on Remand Results due by 11/4/2016. (Goell, Geoffrey) (Entered: 10/07/2016)
10/25/2016	<u>118</u>	Consent Motion for extension of time until 11/18/2016 to <i>file response to comments upon the remand redetermination</i> (related document(s) <u>113</u> , <u>112</u>). Responses due by 11/14/2016. Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States. (Canizares, Alexander) (Entered: 10/25/2016)
10/26/2016	<u>119</u>	Order entered on 10/26/2016 granting Motion for extension of time (Related Doc # <u>118</u>). ORDERED that Defendant's response to comments upon the remand redetermination shall be filed by 11/18/2016. (Cheevers, Casey) (Entered: 10/26/2016)
11/18/2016	<u>120</u>	Consent Motion for extension of time until 11/30/2016 to <i>File Response to Comments Upon The Remand Redetermination</i> . Responses due by 12/7/2016. Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States.(Canizares, Alexander) (Entered: 11/18/2016)
11/22/2016	<u>121</u>	Order entered on 11/22/2016 granting Motion for extension of time (Related Doc # <u>120</u>). ORDERED that the defendant's response to comments upon the remand redetermination shall be filed no later than 11/30/2016. (Cheevers, Casey) (Entered: 11/22/2016)
11/30/2016	<u>122</u>	Reply to comments on remand results (related document(s) <u>113</u> , <u>112</u> , <u>109</u>). Filed by Alexander Orlando Canizares of U.S. Department of

		Justice on behalf of United States. (Canizares, Alexander) (Entered: 11/30/2016)
01/06/2017	<u>123</u>	Form 18A Notification of Termination of Government Attorney Access to Business Proprietary Information on behalf of <i>Henry J. Loyer</i> . Filed by Henry Joseph Loyer of U.S. Department of Commerce on behalf of United States. (Loyer, Henry) (Entered: 01/06/2017)
02/08/2017	<u>124</u>	Form 11 Notice of Appearance . Filed by Amanda T. Lee of U.S. Department of Commerce on behalf of United States.(Lee, Amanda) (Entered: 02/08/2017)
02/17/2017	<u>125</u>	Order entered on 2/17/2017 Slip opinion: 17-18. ORDERED the Second Remand Results are remanded to Commerce for redetermination in accordance with this Opinion and Order. ORDERED that Commerce shall have ninety (90) days from the date of this opinion and order in which to file its Remand Redetermination; Plaintiff and Defendant-Intervenor shall have thirty (30) days from the filing of the Remand Redetermination in which to file comments thereon; and that the Defendant shall have thirty (30) days from the filing of Plaintiff and Defendant-Intervenor's comments to file comments (related document(s) <u>28</u> , <u>26</u> , <u>27</u> , <u>30</u> , <u>29</u>).(Cheevers, Casey) (Entered: 02/17/2017)
05/16/2017	<u>126</u>	Third Remand results filed by U.S. Department of Commerce . Filed by Amanda T. Lee of U.S. Department of Commerce on behalf of United States. (Attachments: # <u>1</u> Cover Letter)(Lee, Amanda) (Entered: 05/16/2017)
05/24/2017	<u>127</u>	Administrative Record Index for U.S. Department of Commerce filed . Filed by Amanda T. Lee of U.S. Department of Commerce on behalf of United States. (Attachments: # <u>1</u> Remand Record Index, # <u>2</u> Bailey Declaration)(Lee, Amanda) (Entered: 05/24/2017)
06/01/2017	<u>128</u>	Amended Form 11 Notice of Appearance <i>for Fufeng</i> . Filed by Eve Qiwei Wang of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd..(Wang, Eve) (Entered: 06/01/2017)
06/01/2017	<u>129</u>	Form 17 Business Proprietary Information Certification filed on behalf of <i>Brandon M. Petelin</i> . Filed by Eve Qiwei Wang of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Wang, Eve) (Entered: 06/01/2017)
06/15/2017	<u>130</u>	Comments on remand results (related document(s) <u>126</u>). Filed by Andrew Thomas Schutz of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Schutz, Andrew) (Entered: 06/15/2017)

06/15/2017	<u>131</u>	Certificate of Compliance <i>for GDLSK Remand Comments</i> (related document(s) <u>130</u>). Filed by Andrew Thomas Schutz of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Schutz, Andrew) (Entered: 06/15/2017)
06/19/2017	<u>132</u>	Letter <i>regarding the Department of Commerces Remand Results</i> . Filed by Matthew L. Kanna of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Kanna, Matthew) (Entered: 06/19/2017)
06/23/2017	<u>133</u>	Form 18 Notice of Termination of Access to Business Proprietary Information filed on behalf of <i>Mark E. Pardo</i> . Filed by Andrew Thomas Schutz of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Attachments: # <u>1</u> Exhibit) (Schutz, Andrew) (Entered: 06/23/2017)
07/06/2017	<u>134</u>	Application/Motion for temporary restraining order . Responses due by 7/25/2017. Filed by Ned Herman Marshak of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Marshak, Ned). (Entered: 07/06/2017)
07/07/2017	<u>135</u>	Order entered on 7/7/2017; Temporary Restraining Order issued. SEE ORDER..(Goell, Geoffrey) (Entered: 07/07/2017)
07/10/2017	 <u>136</u>	Confidential Application/Motion for preliminary injunction <i>and to Amend Previous Preliminary Injunction Order</i> . Responses due by 7/31/2017. Filed by Andrew Thomas Schutz of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Schutz, Andrew) (Entered: 07/10/2017)
07/10/2017	<u>137</u>	Public Application/Motion for preliminary injunction <i>and to Amend Previous Injunction Order</i> . Responses due by 7/31/2017. Filed by Andrew Thomas Schutz of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd..(Schutz, Andrew) (Entered: 07/10/2017)
07/10/2017	<u>138</u>	Status report <i>Regarding Response to Defendant-Intervenor's Application For a Temporary Restraining Order and Preliminary Injunction</i> . Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States. (Canizares, Alexander) (Entered: 07/10/2017)
07/12/2017	<u>139</u>	Second Status report <i>Regarding Defendant-Intervenor's Application for a Temporary Restraining Order and Preliminary Injunction</i> . Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States. (Canizares, Alexander) (Entered: 07/12/2017)

07/14/2017	<u>140</u>	[***NOTE: THIS DOCUMENT HAS BEEN SUPERSEDED BY DOC # 149***] Response to motion for temporary restraining order and preliminary injunction (related document(s) <u>134</u> , <u>136</u> , <u>137</u>). Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States.(Canizares, Alexander) Modified on 7/25/2017 (Cheevers, Casey). (Entered: 07/14/2017)
07/18/2017	<u>141</u>	Form 11 Notice of Appearance for <i>Elyssa Kutner</i> . Filed by Elyssa R. Kutner of Arent Fox LLP on behalf of CP Kelco US, Inc..(Kutner, Elyssa) (Entered: 07/18/2017)
07/18/2017	<u>142</u>	Response of Plaintiff in Opposition to motion to Amend Preliminary Injunction (related document(s) <u>136</u> , <u>137</u>). Replies due by 8/7/2017. Filed by Matthew L. Kanna of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Attachments: # <u>1</u> Proposed Order 1, # <u>2</u> Proposed Order 2) (Kanna, Matthew) (Entered: 07/18/2017)
07/19/2017	<u>143</u>	Form 18A Notification of Termination of Government Attorney Access to Business Proprietary Information on behalf of <i>Amanda Lee</i> . Filed by Amanda T. Lee of U.S. Department of Commerce on behalf of United States. (Lee, Amanda) (Entered: 07/19/2017)
07/19/2017	<u>144</u>	Motion to remand case . Responses due by 8/7/2017. Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States.(Canizares, Alexander) (Entered: 07/19/2017)
07/20/2017	<u>145</u>	Order entered on 7/20/2017 granting Motion for partial voluntary remand. ORDERED that the Department of Commerce's determination is remanded and that Commerce shall have sixty days from the date of this Order to file its redetermination upon remand in this proceeding. Plaintiff and defendant-intervenors shall have thirty days from the filing of the redetermination of the remand to file comments. Defendant shall have fifteen days thereafter to file any response to such comments (Related Doc # <u>144</u>). (Cheevers, Casey) (Entered: 07/20/2017)
07/20/2017	<u>146</u>	Unopposed Motion for oral argument on Preliminary Injunction <i>or, in the Alternative, Leave to File a Reply</i> (related document(s) <u>136</u>). Responses due by 8/8/2017. Filed by Andrew Thomas Schutz of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd..(Schutz, Andrew) (Entered: 07/20/2017)
07/21/2017	<u>147</u>	Consent Motion for errata to correct . Filed with the Court electronically on 07/14/2017 as document number 140 (related document(s) <u>140</u>). Responses due by 8/9/2017. Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States. (Attachments: # <u>1</u> Response to Motion)(Canizares, Alexander) (Entered: 07/21/2017)
07/25/2017	<u>148</u>	Order entered on 7/25/2017 granting Motion for errata (Related Doc # <u>147</u>). ORDERED that defendant's corrected opposition to the motion

		for a temporary restraining order and preliminary injunction shall be filed and substituted in the Court's docket for the original opposition filed on July 14, 2017, ECF No. 140.(Cheevers, Casey) (Entered: 07/25/2017)
07/25/2017	<u>149</u>	Defendant's Corrected Response <i>in opposition</i> to plaintiff's amended motion <i>for preliminary injunction and to amend previous injunction order</i> . (related document(s) <u>136</u> , <u>147</u> , <u>137</u>). Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States.(Cheevers, Casey) Modified on 7/25/2017 (Cheevers, Casey). (Entered: 07/25/2017)
07/26/2017	<u>150</u>	Opinion and Order entered on 7/26/2017. ORDERED that Fufeng's Motion to Amend the Preliminary Injunction is GRANTED. ORDERED that Fufeng's motion for oral argument or, in the alternative, leave to file a reply, ECF No. 146 is DENIED. ORDERED that the preliminary injunction dated November 12, 2013, Ct. No. 13-00289, ECF No. 22, is amended. ORDERED that all entries covered by the preliminary injunction, as amended, shall be liquidated in accordance with the final court decision in this action, including all appeals and remand proceedings. (Related Doc # <u>136</u> # <u>137</u> Doc # <u>146</u>). (Cheevers, Casey) (Entered: 07/26/2017)
08/04/2017	<u>151</u>	Form 11 Notice of Appearance <i>for Jordan C. Kahn</i> . Filed by Jordan Charles Kahn of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd..(Kahn, Jordan) (Entered: 08/04/2017)
08/04/2017	<u>152</u>	Form 17 Business Proprietary Information Certification filed on behalf of <i>Jordan C. Kahn</i> . Filed by Jordan Charles Kahn of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Kahn, Jordan) (Entered: 08/04/2017)
08/09/2017	<u>153</u>	Unopposed Application/Motion for preliminary injunction <i>to amend preliminary injunction</i> . Responses due by 8/28/2017. Filed by Jordan Charles Kahn of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Attachments: # <u>1</u> Proposed Order)(Kahn, Jordan) (Entered: 08/09/2017)
08/10/2017	<u>154</u>	Order entered on 8/10/2017 granting motion to amend preliminary injunction (Related Doc # <u>153</u>). ORDERED that Fufeng's Unopposed Motion to Amend the Preliminary Injunction is granted. (Cheevers, Casey) (Entered: 08/10/2017)
09/04/2017	<u>155</u>	Form 18A Notification of Termination of Government Attorney Access to Business Proprietary Information on behalf of <i>Heather Noel Doherty</i> . Filed by Heather Noel Doherty of U.S. Department of Commerce on behalf of United States. (Doherty, Heather) (Entered: 09/04/2017)

		09/04/2017)
09/14/2017	<u>156</u>	Form 11 Notice of Appearance . Filed by Brandon Jerrold Custard of U.S. Department of Commerce on behalf of United States.(Custard, Brandon) (Entered: 09/14/2017)
09/18/2017	<u>157</u>	Remand results filed by U.S. Department of Commerce . Filed by Brandon Jerrold Custard of U.S. Department of Commerce on behalf of United States. (Attachments: # <u>1</u> Remand Results)(Custard, Brandon) (Entered: 09/18/2017)
09/26/2017	<u>158</u>	Administrative Record Index for U.S. Department of Commerce filed . Filed by Brandon Jerrold Custard of U.S. Department of Commerce on behalf of United States. (Attachments: # <u>1</u> Declaration of Stephen Bailey, # <u>2</u> Remand Record Index)(Custard, Brandon) (Entered: 09/26/2017)
10/18/2017	<u>159</u>	Comments on remand results of <i>Third Redetermination Pursuant to Court Remand</i> . Filed by Brandon Michael Petelin of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Petelin, Brandon) (Entered: 10/18/2017)
10/18/2017	<u>160</u>	Letter <i>regarding the Department of Commerce Remand Results</i> . Filed by Matthew L. Kanna of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Kanna, Matthew) (Entered: 10/18/2017)
10/19/2017	<u>161</u>	Certificate of Compliance <i>for Fufeng Comments on Final Results of Third Redetermination</i> (related document(s) <u>159</u>). Filed by Brandon Michael Petelin of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Petelin, Brandon) (Entered: 10/19/2017)
10/30/2017	<u>162</u>	Consent Motion for extension of time until 12/1/2017 to file response brief (related document(s) <u>159</u> , <u>160</u>). Responses due by 11/20/2017. Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States.(Canizares, Alexander) (Entered: 10/30/2017)
10/30/2017	<u>163</u>	Unopposed Application/Motion for preliminary injunction <i>to modify preliminary injunction</i> . Responses due by 11/20/2017. Filed by Jordan Charles Kahn of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Attachments: # <u>1</u> Proposed Order)(Kahn, Jordan) (Entered: 10/30/2017)
10/30/2017	<u>164</u>	Order entered on 10/30/2017 granting Motion for extension of time. ORDERED that the defendant and defendant-intervenors shall file their responses to the comments on the remand by 12/1/2017. (Related Doc # <u>162</u>). (Cheevers, Casey) (Entered: 10/30/2017)
11/03/2017	<u>165</u>	Order entered on 11/3/2017 granting unopposed Motion to modify

		preliminary injunction (Related Doc # <u>163</u>). (Demb, Rebecca) (Entered: 11/03/2017)
12/01/2017	<u>166</u>	Reply to comments on remand results (related document(s) <u>157</u> , <u>159</u> , <u>160</u>). Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States. (Canizares, Alexander) (Entered: 12/01/2017)
04/05/2018	<u>167</u>	Order entered on 4/5/2018 ; Slip Op. 18-36, Remanding the Department of Commerce's remand redetermination. (related document(s) <u>166</u> , <u>157</u> , <u>159</u>) Remand Results due by 7/5/2018. Comments on Remand Results due by 8/6/2018. Reply on Comments on Remand Results due by 9/5/2018..(Goell, Geoffrey) (Entered: 04/05/2018)
06/28/2018	<u>168</u>	Consent Motion for extension of time until 7/20/2018 to file remand results. . Responses due by 7/19/2018. Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States. (Canizares, Alexander) (Entered: 06/28/2018)
07/05/2018	<u>169</u>	Remand results filed by U.S. Department of Commerce . Filed by Brandon Jerrold Custard of U.S. Department of Commerce on behalf of United States. (Attachments: # <u>1</u> Cover Letter)(Custard, Brandon) (Entered: 07/05/2018)
07/09/2018	<u>170</u>	Order entered on 7/9/2018 denying Motion for extension of time (Related Doc # <u>168</u>). ORDERED that defendant's motion is denied as moot. (Cheevers, Casey) (Entered: 07/09/2018)
07/16/2018	<u>171</u>	Administrative Record Index for U.S. Department of Commerce filed . Filed by Brandon Jerrold Custard of U.S. Department of Commerce on behalf of United States. (Attachments: # <u>1</u> Declaration of Stephen Bailey, # <u>2</u> Public Remand Record Index, # <u>3</u> BPI Remand Record Index)(Custard, Brandon) (Entered: 07/16/2018)
08/06/2018	<u>172</u>	Comments on remand results of <i>4th Remand on behalf of Fufeng</i> . Filed by Brandon Michael Petelin of Grunfeld Desiderio Lebowitz Silverman & Klestadt, LLP on behalf of Neimenggu Fufeng Biotechnologies Co., Ltd., Shandong Fufeng Fermentation Co., Ltd.. (Petelin, Brandon) (Entered: 08/06/2018)
08/06/2018	<u>173</u>	Comments on remand results of <i>the Fourth Redetermination Pursuant to Court Order</i> . Filed by Matthew L. Kanna of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Kanna, Matthew) (Entered: 08/06/2018)
08/07/2018	<u>174</u>	Certificate of Compliance (related document(s) <u>173</u>). Filed by Matthew L. Kanna of Arent Fox LLP on behalf of CP Kelco US, Inc.. (Kanna, Matthew) (Entered: 08/07/2018)
08/22/2018	<u>175</u>	Motion for leave to <i>File a Reply to Fufeng's Comments on Commerce's Fourth Remand Redetermination</i> (related document(s) <u>172</u>). Responses due by 9/12/2018. Filed by Matthew L. Kanna of Arent Fox LLP on behalf of CP Kelco US, Inc..(Kanna, Matthew) (Entered: 08/22/2018)

08/23/2018	<u>176</u>	Order entered on 8/23/2018 denying Motion for leave to file a reply (Related Doc # <u>175</u>). ORDERED that Plaintiff's motion is denied. (Cheevers, Casey) (Entered: 08/23/2018)
09/05/2018	<u>177</u>	Reply to comments on remand results (related document(s) <u>173</u> , <u>172</u>). Filed by Alexander Orlando Canizares of U.S. Department of Justice on behalf of United States. (Canizares, Alexander) (Entered: 09/05/2018)
09/17/2018	<u>178</u>	Order entered on 9/17/2018 Slip opinion: 18-120 sustaining Commerce's Remand Results. Judgment will enter accordingly (related document(s) <u>169</u> , <u>28</u> , <u>26</u> , <u>27</u> , <u>30</u> , <u>29</u>).(Cheevers, Casey) (Entered: 09/17/2018)
09/19/2018	<u>179</u>	Judgment Order entered on 9/19/2018. In accordance with the court's decision and order of September 17, 2018, Slip Op. No. 18-120, it is hereby ORDERED that final judgment is entered for Defendant. (Cheevers, Casey) (Entered: 09/19/2018)
11/07/2018	<u>180</u>	Notice of Appeal of 18-120 filed. (related document(s) <u>178</u> , <u>179</u>). Filed by Nancy Aileen Noonan of Arent Fox LLP on behalf of CP Kelco US, Inc..(Noonan, Nancy) (Entered: 11/07/2018)

UNITED STATES COURT OF INTERNATIONAL TRADE

CP KELCO US, INC.,
Plaintiff,

v.

UNITED STATES,
Defendant,

and

NEIMENGGU FUFENG
BIOTECHNOLOGIES CO., LTD. and
SHANDONG FUFENG FERMENTATION,
CO., LTD.,
Defendant-Intervenors.

Before: Richard W. Goldberg, Senior Judge
Consol. Court No. 13-00288

JUDGMENT

In accordance with the court's decision and order of September 17, 2018, Slip Op. No. 18-120, it is hereby

ORDERED that final judgment is entered for Defendant.

Dated: September 19, 2018
New York, New York

/s/ Richard W. Goldberg
Richard W. Goldberg
Senior Judge

Slip Op. 18-120

UNITED STATES COURT OF INTERNATIONAL TRADE

CP KELCO US, INC.,

Plaintiff,

v.

UNITED STATES,

Defendant,

and

NEIMENGGU FUFENG
BIOTECHNOLOGIES CO., LTD. and
SHANDONG FUFENG FERMENTATION,
CO., LTD.,

Defendant-Intervenors.

Before: Richard W. Goldberg, Senior Judge
Consol. Court No. 13-00288

OPINION

[Sustaining the Department of Commerce’s remand redetermination.]

Dated: September 17, 2018

Matthew L. Kanna, Nancy A. Noonan, and Leah N. Scarpelly, Arent Fox LLP, of Washington, D.C., for plaintiff.

Alexander O. Canizares, Trial Attorney, Commercial Litigation Branch, Civil Division, U.S. Department of Justice, of Washington, D.C., for defendant. With him on the brief were *Joseph H. Hunt*, Assistant Attorney General, *Jeanne E. Davidson*, Director, and *Patricia M. McCarthy*, Assistant Director. Of counsel on the brief was *Brandon J. Custard*, Office of the Chief Counsel for Trade Enforcement and Compliance, U.S. Department of Commerce, of Washington, D.C.

Ned H. Marshak, Jordan C. Kahn, and Brandon Petelin, Grunfeld, Desiderio, Lebowitz, Silverman & Klestadt LLP, of Washington, D.C., for defendant-intervenors.

Goldberg, Senior Judge: This matter returns to the court following a fourth remand of the final determination of the U.S. Department of Commerce (“Commerce” or “the Department”) in its antidumping investigation of xanthan gum from the People’s Republic of China. *Xanthan*

Gum from the People's Republic of China, 78 Fed. Reg. 33,351 (Dep't Commerce June 4, 2013) (final determ.) (“*Final Determination*”) and accompanying Issues & Decision Mem. (“I&D Mem.”), *amended by Xanthan Gum from the People's Republic of China*, 78 Fed. Reg. 43,143 (Dep't Commerce July 19, 2013) (am. final determ.). The four prior opinions of this court thoroughly set forth the facts underlying this appeal. *CP Kelco US, Inc. v. United States*, Slip Op. 15-27, 2015 WL 1544714 (CIT Mar. 31, 2015) (“*CP Kelco I*”); *CP Kelco US, Inc. v. United States*, Slip Op. 16-36, 2016 WL 1403657 (CIT Apr. 8, 2016) (“*CP Kelco II*”); *CP Kelco US, Inc. v. United States*, 41 CIT ___, 211 F. Supp. 3d 1338 (2017) (“*CP Kelco III*”); *CP Kelco US, Inc. v. United States*, Slip Op. 18-36, 2018 WL 1703143 (CIT Apr. 5, 2018) (“*CP Kelco IV*”). The court presumes familiarity with those opinions. For the reasons discussed below, the court sustains Commerce's Remand Results.

BACKGROUND

In its *Final Determination*, Commerce concluded that the Thai Ajinomoto financial statements constituted a better source for calculating surrogate financial ratios than the Thai Fermentation financial statements. I&D Mem. at cmt. 2. Commerce first disregarded the Thai Fermentation statements on the basis that the record did not contain a full English translation, without making a finding that the untranslated portions were crucial to Commerce's calculations. *Id.* Commerce then selected the only remaining statements, those of Thai Ajinomoto, despite the fact that the Thai Ajinomoto statements “show evidence of the receipt of countervailable subsidies.” *Id.* Defendant-Intervenors Neimenggu Fufeng Biotechnologies, Co., Ltd. and Shandong Fufeng Fermentation Co., Ltd. (collectively, “Fufeng”) challenged this determination, arguing that Commerce failed to properly justify its disregard of the Thai Fermentation statements. Def.-Intervenor Rule 56.2 Mot. for J. on the Agency R. 13–22, ECF No. 28 (Mar. 7,

2014). The court agreed, remanding for Commerce to provide a more robust explanation for its choice of financial statements. *CP Kelco I*, 2015 WL 1544714, at *7.

Commerce then submitted its Final Results of Redetermination Pursuant to Ct. Remand, ECF No. 83 (July 28, 2015) (“First Remand Results”). Commerce again chose the Thai Ajinomoto statements over the Thai Fermentation statements, justifying its selection by explaining the issues presented by the incompleteness of financial statements generally. *Id.* at 10–12. However, the court again remanded the issue, finding that Commerce still gave short shrift to the issues presented by the countervailable subsidies reflected in the Thai Ajinomoto statements. *CP Kelco II*, 2016 WL 1403657, at *5.

Commerce, as it did in its *Final Determination* and in its First Remand Results, again found that the Thai Ajinomoto statements were the better surrogate financial ratio source. Final Results of Redetermination Pursuant to Ct. Order 8, ECF No. 109 (Aug. 22, 2016) (“Second Remand Results”). Commerce based its determination on what it described as a new practice of “rejecting from use financial statements that are incomplete . . . unless there are no other financial statements left on the record.” *Id.* at 7. The court again remanded, explaining that “the practice Commerce advance[d] [was] not reasonable and that it result[ed] in an unsupported determination.” *CP Kelco III*, 41 CIT at ___, 211 F. Supp. 3d at 1340. The court gave Commerce the option of doing a faithful comparison of the two statements or of making a “fact-sensitive finding” that the untranslated information in the Thai Fermentation statements was “vital,” such that Commerce could not discern the reliability of those statements. *Id.*, 41 CIT at ___, 211 F. Supp. 3d at 1345.

Commerce opted for the second alternative, explaining that “Thai Fermentation’s financial statements are missing complete translations for two paragraphs of the property plant

and equipment (*i.e.*, fixed asset) footnote” which are central to calculating depreciation expense.

Final Results of Third Redetermination Pursuant to Ct. Order 7, ECF No. 157 (Sept. 18, 2017)

(“Third Remand Results”). Commerce further explained that:

[I]n the instant proceeding, depreciation expense comprises . . . a majority of the overhead costs for Thai Fermentation. [And] by virtue of comprising all or most of a company’s overhead costs, depreciation expense is an integral component of the denominator of the selling, general and administrative (SG&A) expense and profit ratios. Thus, depreciation can significantly impact the surrogate financial ratios

Id. at 8 (footnotes omitted). Commerce further provided that “the narrative portions of a company’s footnotes can provide vital information regarding asset impairments, changes in useful lives of fixed assets, revaluations of fixed assets and the capitalization of production costs, among other things that are not shown on the numeric fixed asset schedule.” *Id.* at 10.

The court remanded once more, stating that, “[u]nlike the prior proceedings cited by Commerce, here the Department has not identified a particular depreciation methodology, class of fixed assets, or statement by the auditor in the Thai Fermentation statements that is questionable or unreliable.” *CP Kelco IV*, 2018 WL 1703143, at *3. The court found that “Commerce’s general discussion about depreciation does not comply with the court’s instruction to make ‘a fact-sensitive finding that the Thai Fermentation statements are missing “vital” information.’” *Id.* (citing *CP Kelco III*, 41 CIT at ___, 211 F. Supp. 3d at 1345). Therefore, the court ordered that Commerce may “either translate the two paragraphs or leave them as is” but must, in any event, “use the Thai Fermentation statements to calculate surrogate financial ratios.” *Id.* at 4.

JURISDICTION AND STANDARD OF REVIEW

The court has jurisdiction pursuant to 28 U.S.C. § 1581(c). The court must sustain Commerce’s remand redetermination if it is supported by substantial record evidence, is otherwise in accordance with law, and is consistent with the court’s remand order. *See Ad Hoc Shrimp Trade Action Comm. v. United States*, 38 CIT __, __, 992 F. Supp. 2d 1285, 1290 (2014); *see also* 19 U.S.C. § 1516a(b)(1)(B)(i).

DISCUSSION

In its latest remand results, “Commerce has relied upon the Thai Fermentation financial statements to recalculate Fufeng’s weighted-average dumping margins for these final remand results.” Final Results of Fourth Redetermination Pursuant to Ct. Order 9, ECF No. 169 (July 5, 2018) (“Remand Results”). As Commerce explains, “the weighted-average dumping margin for Fufeng changes from 8.69 percent to 0.00 percent.” *Id.* at 12. For reasons discussed at length in the court’s four opinions in this action, the court finds that the Remand Results are supported by substantial evidence and, in all respects, are in accordance with the law. The Remand Results also comply with the terms of *CP Kelco IV*.¹

¹ CP Kelco now urges the court to “remand the case to Commerce with instructions clarifying that Commerce has the discretion to calculate Fufeng’s weighted-average dumping margin using the simple average methodology so long as Commerce includes financial ratios derived from the Thai Fermentation financial statements in its calculation.” CP Kelco’s Comments on Final Results of Fourth Remand Redetermination 2, ECF No. 173 (Aug. 6, 2018). This suggestion arises out of its view “that a simple average of both the Thai Ajinomoto and Thai Fermentation financial statements would yield a more accurate rate.” *Id.* at 4–5. However, this court’s standard of review demands that it consider only the soundness of the decision before it. Because the court finds that Commerce’s determination here is supported by substantial evidence and in accordance with law, it does not reach either whether CP Kelco’s preferred methodology is more reasonable or if that argument was waived, as per Fufeng’s suggestion, Fufeng’s Comments on Commerce’s Fourth Remand 5–6, ECF No. 172 (Aug. 6, 2018).

CONCLUSION

For the foregoing reasons, Commerce's Remand Results are **SUSTAINED**. Judgment will enter accordingly.

/s/ Richard W. Goldberg
Richard W. Goldberg
Senior Judge

Dated: September 17, 2018
New York, New York