

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-19983

<p>In the Matter of</p> <p>Clontech Laboratories, Inc. n/k/a Takara Bio USA, Inc.,</p> <p style="text-align:center">Respondent.</p>

DIVISION OF ENFORCEMENT'S MOTION FOR
DEFAULT AND BRIEF IN SUPPORT

The Division of Enforcement (“Division”), by counsel, pursuant to Commission Rules of Practice Rules 154(a) and 155(a)(2), respectfully moves the Securities and Exchange Commission (“Commission”) for an order entering a default against Clontech Laboratories, Inc. n/k/a Takara Bio USA, Inc. (CIK No. 0000816281) (“Clontech” or “Respondent”) in this proceeding and ordering the revocation of the registration of each class of Respondent’s securities registered pursuant to Section 12 of the Securities Exchange Act of 1934 (“Exchange Act”).

Argument

On September 11, 2020, the Commission issued an Order Instituting Proceedings (“OIP”) against Respondent, which has securities registered with the Commission under Section 12(g) of the Exchange Act. The OIP alleges the Respondent is delinquent in filing its mandated periodic reports. Because Respondent failed to answer or otherwise respond to the

OIP, the Division now seeks entry of an order finding Respondent to be in default in this proceeding.

Commission Rule of Practice 220(b) states that where an answer is required to be filed by rule or order, the respondent “shall do so within 20 days after service upon the respondent of the order instituting proceedings” unless a different period is provided by rule or order. Here, the OIP requires “an Answer [to be filed] to the allegations contained in this Order within ten (10) days after service of this Order.” OIP at IV. Commission Rule of Practice 160(a) provides that Saturdays, Sundays and Federal legal holidays are to be counted as part of the 10 day period, and Commission Rule of Practice 160(b) extends that time by three days if service is made by mail.

The Declaration of Victor Tabak to Assist Secretary with Record of Service (attached hereto as Exhibit A) (“Tabak Declaration”) establishes that on September 15, 2020, service upon Clontech of the OIP, along with a letter from the Commission’s Secretary, and a letter from the Division offering discovery pursuant to Rule of Practice 230 (collectively the “Service Documents”), was attempted by Priority Mail Express delivery at the address provided in Clontech’s last EDGAR filing with the Commission, in accordance with Commission Rule of Practice 141(a)(2)(ii). Clontech’s answer to the OIP was due by September 28, 2020. However, Clontech has neither filed an answer nor made any other response to the OIP in this proceeding.

Respondent is delinquent in its filings with the Commission and has been delinquent for over 21 years. In addition, Respondent’s failure to answer supports revocation of the registration of each class of Respondent’s securities. Accordingly, the Division moves for an order, pursuant to Rule 155(a)(2), finding AFH to be in default in this proceeding and ordering that the

registration of each class of its securities registered pursuant to Exchange Act Section 12 be revoked.

Conclusion

For the reasons set forth above, the Division respectfully requests that the Commission: 1) grant the Division's Motion; 2) enter an order of default against Clontech; and 3) revoke the registration of each class of Clontech's securities registered pursuant to Section 12 of the Exchange Act.

Dated: March 19, 2021

Respectfully submitted,



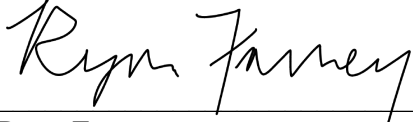
Ryan Farney
U.S. Securities and Exchange Commission
100 F Street, N.E.
Washington, D.C. 20549-5020
(202) 551-4543 (phone)
(301) 847-4699 (fax)
Email: farneyr@sec.gov

COUNSEL FOR
DIVISION OF ENFORCEMENT

CERTIFICATE OF SERVICE

I hereby certify that the Division of Enforcement's Motion for Default and Brief in Support was filed with the Securities and Exchange Commission, Office of the Secretary, 100 F Street NE, Washington, DC 20549-2557, and that a true and correct copy of the foregoing has been served on this 19th day of March, 2021, on the following persons entitled to notice:

By UPS:
Clontech Laboratories, Inc. (n/k/a Takara Bio USA, Inc.)
1020 East Meadow Circle
Palo Alto, CA 94303



Ryan Farney

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-19983

In the Matter of

**Clontech Laboratories, Inc. n/k/a Takara
Bio USA, Inc.,**

Respondent.

DECLARATION OF VICTOR TABAK
TO ASSIST SECRETARY WITH RECORD OF SERVICE

VICTOR TABAK, pursuant to 28 U.S.C. § 1746, declares:

1. I am a Senior Counsel with the Division of Enforcement (“Division”) of the Securities and Exchange Commission, and co-counsel for the Division in the captioned administrative proceeding. I am submitting this Declaration to assist the Secretary in maintaining a record of service on the respondent in the captioned proceeding pursuant to Rule 141(a)(3).

2. The Office of the Secretary provided me with the U.S. Priority Mail Express tracking number for the copy of the Order Instituting Proceedings (“OIP”) mailed by the Secretary to the respondent in this proceeding. I input the tracking number into the U.S. Postal Service’s (“USPS’s”) package tracking system on its Internet website located at www.usps.com, and printed out the tracking confirmation in order to obtain confirmation of the delivery or attempted delivery of the OIP on the respondent. A true copy of the tracking confirmation for the respondent is attached as Exhibit 1, hereto. Rule

141(a)(2)(ii) provides that service on a corporation or entity may be obtained by confirmation of attempted delivery on the most recent address shown on the entity's most recent filing with the Commission.

3. The Secretary mailed the OIP to respondent Clontech Laboratories, Inc. n/k/a Takara Bio USA, Inc., CIK 0000816281 ("Clontech"), via Priority Mail Express, Tracking No. ER006859733US, to the address shown on its most recent EDGAR filing at 1020 East Meadow Circle, Palo Alto, CA 94303. This address is taken from Clontech's last filing with the Commission, which was a Form S-1/A filed with the Commission on March 3, 1999. The USPS tracking system confirms that delivery was attempted on September 15, 2020, however the letter was undeliverable as addressed. *See Exhibit 1 at page 2.*

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 30, 2020.



Victor Tabak

Track Another Package +

Tracking Number: ER006859733US

[Remove X](#)

Your item was delivered at 10:43 am on October 2, 2020 in WASHINGTON, DC 20549 to SEC 20549 R26. The item was signed for by T ALVARADO.

Delivered

October 2, 2020 at 10 43 am
Delivered
WASHINGTON, DC 20549

Get Updates v

Feedback

Text & Email Updates



Proof of Delivery



Tracking History



October 2, 2020, 10:43 am

Delivered

WASHINGTON, DC 20549

Your item was delivered at 10:43 am on October 2, 2020 in WASHINGTON, DC 20549 to SEC 20549 R26. The item was signed for by T ALVARADO.

October 2, 2020, 10:03 am

Out for Delivery

WASHINGTON, DC 20018

October 2, 2020, 9:52 am
 Arrived at Post Office
 WASHINGTON, DC 20018

October 2, 2020, 8:04 am
 Arrived at USPS Regional Facility
 WASHINGTON DC V STREET DISTRIBUTION CENTER

October 1, 2020, 4:52 pm
 Arrived at USPS Regional Facility
 SACRAMENTO CA DISTRIBUTION CENTER

September 15, 2020, 10:41 am
 Vacant
 PALO ALTO, CA 94303

September 15, 2020, 10:41 am
 Forward Expired
 PALO ALTO, CA 94303

September 15, 2020, 8:34 am
 Arrived at Post Office
 PALO ALTO, CA 94303

September 15, 2020, 7:10 am
 Arrived at USPS Regional Facility
 SAN FRANCISCO CA INTERNATIONAL DISTRIBUTION CENTER

Feedback

Product Information



See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

Feedback