

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

In the Matter of

**CERTAIN BOTULINUM TOXIN
PRODUCTS AND PROCESSES FOR
MANUFACTURING OR RELATING TO
SAME**

Investigation No. 337-TA-1313

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO CLAIMS OF
TRADE SECRET MISAPPROPRIATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 39) of the presiding administrative law judge (“ALJ”) granting complainant’s unopposed motion to terminate the investigation as to its claims of trade secret misappropriation based on withdrawal of the complaint as to those claims.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3179. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 5, 2022, based on a complaint filed by Medytox Inc. (“Medytox”) of Cheongju-si, Chungcheongbuk-do, Republic of Korea. 87 FR 26782-83 (May 5, 2022). The complaint, as amended, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain botulinum toxin products and processes for manufacturing or relating to same by reason of theft and conversion and misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure

an industry in the United States. *Id.* at 26782. The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation named three respondents: Hugel, Inc. of Seoul, Republic of Korea; Hugel America, Inc. of Irvine, California; and Croma Pharma GmbH, of Leobendorf, Austria. *Id.* at 26783. The Office of Unfair Import Investigations is also named as a party. *Id.*

On January 18, 2024, Medytox filed an unopposed motion to terminate the investigation as to its claims of trade secret misappropriation based on withdrawal of the complaint as to those claims. No responses to the motion were filed.

On January 22, 2024, the ALJ issued the subject ID (Order No. 39) granting the motion. The ID finds that the motion complies with the requirements of Commission Rule 210.21(a)(1) (19 CFR 210.21(a)(1)). No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID. The investigation is terminated as to Medytox's claims of trade secret misappropriation. Medytox's claims relating to the theft and conversion of its trade secrets remain in the investigation.

The Commission vote for this determination took place on February 5, 2024.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: February 6, 2024