

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SELECTIVE THYROID
HORMONE RECEPTOR-BETA AGONISTS,
PROCESSES FOR MANUFACTURING OR
RELATING TO SAME, AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-1352

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW IN PART AND
VACATE IN PART AN INITIAL DETERMINATION GRANTING RESPONDENTS'
MOTION FOR SUMMARY DETERMINATION ON ISSUES OF NON-IMPORTATION
AND NO COMMERCIALY SIGNIFICANT DOMESTIC INVENTORIES**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the "Commission") has determined to review in part and vacate in part an initial determination ("ID") (Order No. 40) granting the respondents' motion for summary determination that there has been no importation of certain accused products and that there are no commercially significant inventories of certain accused products or certain active pharmaceutical ingredients in the United States.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2382. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket system ("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 February 9, 2023, based on a complaint, as supplemented, filed by Viking Therapeutics, Inc. of San Diego, California ("Viking"). 88 FR 8455-56 (Feb. 9, 2023). The complaint alleges a violation of section 337 the Tariff Act, as amended, 19 U.S.C. 1337, by way of the importation, sale for importation, or sale in the United States after importation of certain selective thyroid hormone receptor-beta agonists, processes for manufacturing or relating to same, and products containing same by reason of misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure a domestic industry or prevent the establishment of a domestic industry. *Id.* The notice of investigation named the following as respondents: Ascletois Pharma

Inc. of Hangzhou, Zhejiang Province, China; Ascletris Pharmaceuticals Co. of Shaoxing, Zhejiang Province, China; Ascletris Bioscience Co. of Hangzhou, Zhejiang Province, China; Gannex Pharma Co. of Shanghai, China; and Jinzi Jason Wu of Seattle, Washington (all collectively, “Respondents”). *Id.* The Office of Unfair Import Investigation (“OUII”) is also participating in this investigation. *Id.*

On September 22, 2023, the Commission granted an unopposed motion filed pursuant to Commission Rule 210.19 (19 CFR 210.19) by Foster, Murphy, Altman & Nickel, PC (“Foster Murphy”) to intervene in this investigation for the limited purpose of defending Foster Murphy and its attorneys’ interests in response to Viking’s Omnibus Motion for Monetary and Non-Monetary Sanctions Against Respondents and their Counsel, alleging failure to cooperate during discovery, failure to cooperate during forensic examinations, and violations of the terms of certain orders. Order No. 37 (Aug. 28, 2023), *unreviewed by* Comm’n Notice (Sept. 22, 2023).

On September 11, 2023, Respondents moved for summary determination that there has been no importation of certain accused products and that there are no commercially significant inventories of certain accused products or certain active pharmaceutical ingredients in the United States. On September 21, 2023, Viking filed an opposition to Respondents’ summary determination motion. On the same date, OUII filed a response in support of said motion.

On November 9, 2023, the presiding chief administrative law judge (“CALJ”) issued the subject ID (Order No. 40), pursuant to Commission Rule 210.18 (19 CFR 210.18), granting Respondents’ motion in full.

No party filed a petition for review.

Per Commission Rules 210.44 and 210.45(c), 19 CFR 210.44, 210.45(c), the Commission has determined to review in part and vacate in part the subject ID with respect to its findings as to whether the domestic inventories are “commercially significant” or “significant.” Findings as to whether domestic inventories are “commercially significant” or “significant” are reserved for the remedy phase of the investigation. *See generally* 19 CFR 210.42(a)(1)(ii); *see also, e.g., Certain Table Saws Incorporating Active Injury Mitigation Technology & Components Thereof*, Inv. No. 337-TA-965, Comm’n Op. at 4-6 (Feb. 1, 2017). The Commission therefore vacates the sentences in the subject ID in subsection III(A), (B), and (C) that inventories are not “commercially significant” and in subsection IV(2), (3), and (4) that there are no “significant” inventories. *See* Order No. 40 at 3 (subsection III(A)), 4 (subsection III(B)), 5 (subsection III(C)), 6 (subsection IV(2), (3), (4)). The Commission has determined not to review, and thus adopts, the subject ID’s findings with respect to the presence or absence of certain domestic inventories and the subject ID’s findings with respect to importation.

The Commission vote for this determination took place on December 21, 2023.

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: December 21, 2023