

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PRODUCTS CONTAINING
TIRZEPATIDE & PRODUCTS
PURPORTING TO CONTAIN
TIRZEPATIDE**

Investigation No. 337-TA-1377

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION PARTIALLY TERMINATING THE INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 29) of the presiding administrative law judge (“ALJ”), terminating the investigation with respect to certain claims of trademark infringement, false designation of origin, and false advertising as against certain respondents.

FOR FURTHER INFORMATION CONTACT: Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3427. 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 on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 27, 2023, based upon a complaint filed on behalf of Eli Lilly and Company of Indianapolis, Indiana (“Lilly”). 88 FR 82914, 82914-15 (Nov. 27, 2023). The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain products containing tirzepatide or purporting to contain tirzepatide by reason of false designation of source and false and misleading advertising, the threat or effect of which is to destroy or substantially injure an industry in the United States, and by reason of infringement of U.S. Trademark No. 6,809,369. *Id.* The complaint also alleges that a domestic industry exists pursuant to subsection (a)(2) of section 337. *Id.* The Commission’s notice of investigation named as respondents: (1) Arctic Peptides LLC of Akeny, Iowa; (2) Audrey Beauty Co. of Hong Kong, China; (3) Biolabshop Limited of Lancaster, United Kingdom (“Biolabshop”); (4) Mew Mews Company Limited of Hong Kong, China; (5) Strate Labs LLC of Spring, Texas (“Strate

Labs”); (6) Steroide Kaufen of Bialystok, Poland (“Steroide Kaufen”); (7) Super Human Store of Barcelona, Spain; (8) Supopeptide of Cedar Grove, New Jersey (“Supopeptide”); (9) Triggered Supplements LLC (d/b/a The Triggered Brand) of Clearwater, Florida; (10) Unewlife of Cedar Grove, New Jersey (“Unewlife”); and (11) Xiamen Austronext Trading Co., Ltd. (d/b/a AustroPeptide) of Fujian, China. *Id.* at 82915. The Office of Unfair Import Investigations is also named as a party in this investigation. *Id.*

On March 21, 2024, the investigation terminated in part with respect to respondents Unewlife, Supopeptide, and Steroide Kaufen. Order No. 8 (Mar. 7, 2024), *unreviewed by* Comm’n Notice (Mar. 21, 2024).

On May 21, 2024, the complaint was amended to add as respondents Fibonacci Sequence LLC (d/b/a GenX Peptides) of Houston, Texas (“GenX Peptides”); and Paradigm Peptides of Michigan City, Indiana (“Paradigm Peptides”). Order No. 12 (Apr. 22, 2024), *unreviewed by* Comm’n Notice (May 21, 2024), available at 89 FR 46159, 46159-60 (May 28, 2024).

On June 13, 2024, the complaint was further amended to add as a respondent Total Compounding Pharmaceuticals of Australia (“Total Compounding”). Order No. 16 (May 8, 2024), *unreviewed by* Comm’n Notice (June 13, 2024), available at 89 FR 5149, 51549-50 (June 18, 2024).

On July 12, 2024, Lilly moved for summary determination on violation based on allegations against certain respondents of trademark infringement, false designation of origin, and/or false advertising. On December 6, 2024, the ALJ partially granted the motion in Order No. 26. Order No. 26 (Dec. 6, 2024). On January 22, 2025, the Commission determined not to review the ALJ’s grant of summary determination. Comm’n Notice (Jan. 22, 2025).

Because Lilly’s motion for summary determination was not granted as to all issues, the ALJ sought a submission from the parties regarding any further necessary proceedings. *See* Order No. 27 (Dec. 6, 2024). In response, the parties provided a joint submission in which Lilly indicated that it would seek to terminate all claims on which summary determination was not granted (listed below).

On December 19, 2024, Lilly moved to withdraw the allegations remaining before the ALJ as to (1) GenX Peptides; (2) Paradigm Peptides; (3) Total Compounding; (4) Biolabshop; and (5) Strate Labs. More particularly, (1) as to GenX Peptides, Lilly sought to withdraw its allegations of trademark infringement and false designation of origin; (2) as to Paradigm Peptides, Lilly sought to withdraw its allegations of trademark infringement and false designation of origin; (3) as to Total Compounding, Lilly sought to withdraw its allegations of trademark infringement; (4) as to Biolabshop, Lilly sought to withdraw its allegations of false designation of origin; and (5) as to Strate Labs, Lilly sought to withdraw its allegations of trademark infringement. Lilly also sought to withdraw its request for remedies addressing the aforementioned allegations.

On January 10, 2025, the ALJ issued the subject ID (Order No. 29), which granted the motion pursuant to Commission Rule 210.21(a)(1) (19 CFR 210.21(a)(1)). The ID found that the motion includes the required statement that “there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation.” Order No. 29 at 3. The ID further found that there are no extraordinary circumstances that would warrant denying the motion. *Id.* The ID additionally recognized that, because no allegations remain pending before the ALJ, proceedings before the ALJ are terminated. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID. Accordingly, the investigation is partially terminated as to (1) Lilly’s allegations of trademark infringement and false designation of origin against GenX Peptides; (2) Lilly’s allegations of trademark infringement and false designation of origin against Paradigm Peptides; (3) Lilly’s allegations of trademark infringement against Total Compounding; (4) Lilly’s allegations of false designation of origin against Biolabshop; and (5) Lilly’s allegations of trademark infringement against Strate Labs. The investigation remains pending before the Commission for the resolution of the allegations for which summary determination was granted in Order No. 26.

The Commission vote for this determination took place on January 31, 2025.

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', enclosed in a large, loopy oval shape.

Lisa R. Barton
Secretary to the Commission

Issued: January 31, 2025