

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

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

Investigation No. 337-TA-1145

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION EXTENDING THE TARGET DATE**

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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 41), extending the target date for completion of the investigation to November 6, 2020.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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 March 6, 2019, based on a complaint filed by Medytox Inc. of Seoul, South Korea; Allergan plc of Dublin, Ireland; and Allergan, Inc. of Irvine, California. 84 FR 8112 (Mar. 6, 2019). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of, *inter alia*, certain botulinum toxin products by reason of trade secret misappropriation. *Id.* The notice of investigation named as respondents Daewoong Pharmaceuticals Co., Ltd. of Seoul, South Korea and Evolus, Inc. of Irvine, California. *Id.* The Office of Unfair Import Investigations was also named as a party. *Id.*

On March 12, 2019, the presiding ALJ issued an order setting the target date for completion of the investigation on May 29, 2020. Order No. 3 at 2 (Mar. 12, 2019). On August 16, 2019, the ALJ issued an ID extending the target date to October 6, 2020. Order No. 23 (Aug. 16, 2019), *not reviewed*, Notice (Sept. 13, 2019).

On June 1, 2020, the presiding ALJ issued the subject ID (Order No. 41), extending the target date from October 6, 2020 to November 6, 2020. The ID explains that good cause exists for the extension, in view of, *inter alia*, a recent reopening of the evidentiary record and related briefing as well as circumstances relating to the coronavirus pandemic. ID at 3. No petitions for review of the ID were filed.

The Commission has determined not to review the ID. The target date for completion of the investigation is November 6, 2020, and the final ID is due on July 6, 2020.

The Commission vote for this determination took place on June 19, 2020.

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: June 19, 2020