UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of **CERTAIN BOTULINUM TOXIN PRODUCTS, PROCESSES FOR MANUFACTUING OR RELATING TO SAME AND CERTAIN PRODUCTS CONTAINING SAME**	**Investigation No. 337-TA-1145**

NOTICE OF COMMISSION DECISION 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. 23), extending the target date by approximately four months to October 6, 2020, because of ongoing expert discovery.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, 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 are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission 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 April 30, 2019, the ALJ issued an order scheduling the evidentiary hearing for November 5-7, 2019, and setting other deadlines. Order No. 5, at 2 (Apr. 30, 2019)

On July 16, 2019, the private parties filed a joint unopposed motion requesting that the date for the hearing be extended by approximately two months because of ongoing expert discovery. On July 24, 2019, the ALJ issued an order that extended the deadline for the exchange of initial expert reports, and tentatively scheduled the evidentiary hearing to occur on February 4-7, 2020. Order No. 19, at 2 (July 24, 2019). On August 2, 2019, the ALJ issued an order with an amended procedural schedule. Order No. 20, at 1-2 (Aug. 2, 2019). That order indicated that the target date would be extended to October 6, 2020. *Id.* at 1 n.1 & 2.

On August 16, 2019, the ALJ issued the subject ID, which extends the target date for completion of the investigation to October 6, 2020, 19 months after institution of the investigation. *See* 19 CFR 210.51(a)(1). The ID explains that the parties requested that the evidentiary hearing occur at the earliest time that the ALJ's schedule permitted after January 1, 2020, and that the earliest hearing date available for the ALJ is February 4-7, 2020. ID at 2-3. No petitions for review of the ID were filed.

The Commission has determined not to review the ID.

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: September 13, 2019