UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of **CERTAIN PLANT-DERIVED RECOMBINANT HUMAN SERUM ALBUMINS ("rHSA") AND PRODUCTS CONTAINING SAME**	**Investigation No. 337-TA-1238**

NOTICE OF COMMISSION DETERMINATION TO EXTEND THE TARGET DATE FOR COMPLETION OF THIS INVESTIGATION

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined to extend until September 12, 2022, the target date for completion of the above-captioned investigation.

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 January 25, 2021, based on a complaint filed on behalf of Ventria Bioscience Inc. ("Ventria") of Junction City, Kansas. 86 FR 6916 (Jan. 25, 2021). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain plant-derived rHSA and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 10,618,951 ("the '951 patent") and 8,609,416 ("the '416 patent"). *Id.* The complaint also alleged violations of section 337 based on the importation into the United States, or in the sale of, certain plant-derived rHSA and products containing the same by reason of false designation of origin, the threat or effect of which is to destroy or substantially injure an industry in the United States. *Id.* The notice of investigation named four respondents: Wuhan Healthgen Biotechnology Corp. of Wuhan, China ("Healthgen"); ScienCell Research Laboratories, Inc. of Carlsbad, California ("ScienCell");

Aspira Scientific, Inc. of Milpitas, California ("Aspira"); and eEnzyme LLC of Gaithersburg, Maryland ("eEnzyme") (collectively, the "Respondents"). *Id*. at 6917. The Office of Unfair Import Investigations ("OUII") was also named as a party in this investigation. *Id.*

Of the four Respondents named in the notice of investigation, only Healthgen participated in the investigation. ScienCell, Aspira, and eEnzyme were found in default. *See* Order No. 13 (July 28, 2021), *unreviewed by* Comm'n Notice (Aug. 18, 2021). ScienCell, Aspira, and eEnzyme are collectively referred to herein as the "Defaulting Respondents."

Prior to the issuance of the final ID, the investigation terminated as to all asserted claims of the '416 patent, claims 2 and 3 of the '951 patent, and the false designation of origin claims against Healthgen. *See* Order No. 12 (July 16, 2021), *unreviewed by* Comm'n Notice (Aug. 10, 2021); Order No. 29 (Nov. 3, 2021), *unreviewed by* Comm'n Notice (Nov. 29, 2021). The false designation of origin claims against the Defaulting Respondents were not terminated. *See* Order No. 12 at 1. Accordingly, at the time the final ID issued, only claims 1 and 11–13 of the '951 patent remained pending against Healthgen, and only claims 1 and 11–13 of the '951 patent and the false designation of origin (or Lanham Act) claims remained pending against the Defaulting Respondents.

On April 7, 2022, the ALJ issued the final ID, which found that Respondents violated section 337. The ALJ found a violation of section 337 under section 337(a)(1)(B) by Healthgen as to infringement of the '951 patent and found the requirements of section 337(g)(1) met as to infringement of the '951 patent and the Lanham Act claim with respect to the Defaulting Respondents.

On April 19, 2022, Healthgen filed a petition for review of the final ID. On April 22, 2022, OUII filed a response to Healthgen's petition, and on April 27, 2022, Ventria filed a response to Healthgen's petition. On May 9, 2022, Ventria and Healthgen filed their public interest comments pursuant to Commission Rule 210.50(a)(4) (19 CFR 210.50(a)(4)).

On June 6, 2022, after considering the petition and responses thereto, the Commission determined to review the final ID in its entirety. 87 FR 35570–72 (June 10, 2022). The Commission requested briefing on the issues under review and on remedy, the public interest, and bonding. *Id.*

Currently, the target date for completion of this investigation is August 8, 2022. The Commission has determined to extend the target date for completion of this investigation to September 12, 2022.

The Commission vote for this determination took place on August 8, 2022.

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.

Katherine M. Hiner
Acting Secretary to the Commission

Issued: August 8, 2022