

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PHOTODYNAMIC THERAPY
SYSTEMS, COMPONENTS THEREOF,
AND PHARMACEUTICAL PRODUCTS
USED IN COMBINATION WITH THE
SAME**

Investigation No. 337-TA-1411

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION SETTING AN 18-MONTH 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 an initial determination (“ID”) (Order No. 5) of the presiding administrative law judge (“ALJ”) setting an 18-month target date of February 2, 2026.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3179. 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, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 1, 2024, based on a complaint filed by Sun Pharmaceutical Industries, Inc. of Princeton, New Jersey. 89 FR 62790 (Aug. 1, 2024). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain photodynamic therapy systems, components thereof, and pharmaceutical products used in combination with the same by reason of infringement of certain claims of U.S. Patent Nos. 11,697,028 and 11,446,512. *Id.* The complaint further alleges that a domestic industry exists or is in the process of being established. *Id.* The notice of investigation named four respondents: (1) Biofrontera Inc. of Woburn, Massachusetts; (2) Biofrontera Pharma GmbH of Leverkusen, Germany; (3) Biofrontera Bioscience GmbH of Leverkusen, Germany; and (4) Biofrontera AG of Leverkusen, Germany. *Id.* The Office of Unfair Import Investigations is not a party to this investigation. *Id.*

On August 19, 2024, the ALJ issued the subject ID setting an 18-month target date of February 2, 2026, for completion of the investigation. ID at 1. The ID notes that February 1, 2026, is a Sunday. *Id.* at 2 n.1. The final ID is due no later than October 1, 2025. *Id.* No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID.

The Commission vote for this determination took place on September 16, 2024.

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: September 16, 2024