UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of **CERTAIN DRUG PRODUCTS CONTAINING C-TYPE NATRIURETIC PEPTIDE VARIANTS, AND COMPONENTS THEREOF**	**Investigation No. 337-TA-1447**

NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO CERTAIN PATENT CLAIMS

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. 36) of the presiding Chief administrative law judge ("Chief ALJ") granting complainant's unopposed motion to partially terminate the above-captioned investigation as to claims 15-20, 31, 33, 35-40, 42, 44, and 45-48 of the U.S. Reissue Patent No. 48,267 ("RE'267 patent"). The ID also grants the termination of claims 21-22 of RE'267 which were asserted only as practiced for the domestic industry requirement.

FOR FURTHER INFORMATION CONTACT: Jonathan D. Link, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3103. 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 May 8, 2025, based on a complaint filed by BioMarin Pharmaceutical Inc. of Novato, CA. 90 FR 19532-33 (May 8, 2025). The complaint, as supplemented, alleges 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 certain drug products containing C-type natriuretic peptide variants and components thereof by reason of infringement of claims 15-20, and 31-48 of RE'267 patent. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission's notice of investigation named as

respondents: Ascendis Pharma, Inc. of Palo Alto, CA; Ascendis Pharma A/S of Hellerup, Denmark; Ascendis Pharma Growth Disorders A/S of Hellerup, Denmark (collectively "Ascendis"); and Wacker Biotech GmbH of Jena, Germany. *Id*. The Office of Unfair Import Investigations ("OUII") is participating in the investigation. *Id.*

On June 20, 2025, the Commission determined not to review Order No. 5, setting a 17-month target date as October 8, 2026. *See* Order No. 5 (May 27, 2025), *unreviewed by* Comm'n Notice (June 20, 2025).

On September 12, 2025, the Commission determined not to review Order No. 15 granting Complainant's motion to amend the complainant and Notice of Investigation to add Bachem Ag as an additional respondent. *See* Order No. 15 (Aug. 14, 2025), *unreviewed by* Comm'n Notice (Sept. 12, 2025).

On September 15, 2025, the Commission determined not to review Order No. 17 extending the target date for completion of the investigation to November 30, 2026. *See* Order No. 17 (Aug. 25, 2025), *unreviewed by* Comm'n Notice (Sept. 15, 2025).

On December 12, 2025, the Commission determined not to review Order No. 21 extending the target date for completion of the investigation to December 21, 2026. *See* Order No. 21 (Nov. 17, 2025), *unreviewed by* Comm'n Notice (December 12, 2025).

On February 24, 2026, Complainant filed an unopposed motion to terminate the investigation as to claims 15-22, 31, 33, 35-40, 42, 44, and 45-48 of the RE'267 patent. Claims 21 and 22 of the RE'267 patent were asserted only as practiced for purposes of meeting the domestic industry requirement. OUII supported the motion. *See* Commission Investigative Staff's Response to Complainant's Supplemented Motion for Termination with Respect to Certain Asserted Claims (Feb. 26, 2026). No other responses to the unopposed motion were filed.

On March 3, 2026, the ALJ issued the subject ID (Order No. 36), granting Complainant's unopposed motion to partially terminate the investigation as to the specified claims. The subject ID finds that the motion meets the requirements of Commission Rule 210.21(a) (19 CFR 210.21(a)), and that there are no extraordinary circumstances that would prevent the requested partial termination of the investigation. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID. The following claims are hereby terminated from the investigation: claims 15-22, 31, 33, 35-40, 42, 44, and 45-48 of the RE'267 patent, with claims 21-22 being asserted for domestic industry purposes only.

The Commission vote for this determination took place on March 23, 2026.

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: March 23, 2026