

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC**

In the Matter of

**CERTAIN HUMAN MILK
OLIGOSACCHARIDES AND METHODS
OF PRODUCING THE SAME**

Investigation No. 337-TA-1120

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING AN UNOPPOSED MOTION FOR
PARTIAL TERMINATION OF 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 has determined not to review an initial determination (Order No. 5), granting an unopposed motion for partial termination of the investigation as to certain claims of U.S. Patent Nos. 9,453,230 and 9,970,018.

FOR FURTHER INFORMATION CONTACT: Lucy Grace D. Noyola, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone 202-205-3438. 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, SW, Washington, DC 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<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's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 21, 2018, based on a complaint filed on behalf of Glycosyn LLC of Waltham, Massachusetts ("Glycosyn"). 83 Fed. Reg. 28865 (June 21, 2018). The complaint alleges 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 human milk oligosaccharides by reason of infringement of one or more claims of U.S. Patent Nos. 9,453,230 ("the '230 patent") and 9,970,018 ("the '018 patent"). The notice of investigation named as a respondent Jennewein Biotechnologie GmbH of Rheinbreitbach, Germany ("Jennewein"). The Office of Unfair Import Investigations ("OUII") was also named

as a party in the investigation.

On July 27, 2018, Glycosyn filed a motion for partial termination of the investigation as to claims 4-7, 9-12, 14, 23-26, 28-31, 33, and 39-40 of the '230 patent and claims 6, 7, 9, 11, 13-17, 19, and 22 of the '018 patent. On August 1, 2018, Jennewein filed a response, stating it does not oppose the motion. OUII also does not oppose the motion.

On August 9, 2018, the presiding administrative law judge (“ALJ”) issued an initial determination (“ID”) (Order No. 5), granting the motion. The ALJ found that the motion complies with Rule 210.21(a)(1) of the Commission’s Rules of Practice and Procedure and that there are no extraordinary circumstances that warrant denying the requested partial termination. No petitions for review of the ID were filed.

The Commission has determined not to review the subject 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 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: August 29, 2018