

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 GRANTING A REQUEST
FOR JUDICIAL ENFORCEMENT OF SUBPOENAS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to grant a request by the presiding administrative law judge for judicial enforcement of certain subpoenas issued in this investigation and has authorized its Office of the General Counsel to seek such enforcement.

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. 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 and 9,970,018. The notice of investigation named as a respondent Jennewein Biotechnologie GmbH of Rheinbreitbach, Germany ("Jennewein"). The Office of Unfair Import Investigations was also named as a party in the investigation. On October 11, 2018, the administrative law judge ("ALJ") issued, at Jennewein's request, a subpoena *duces tecum* and a subpoena *ad testificandum* to non-party Ingrid Beattie, the attorney

who prosecuted the patents asserted in this investigation. On November 14, 2018, Jennewein moved for certification to the Commission of a request for judicial enforcement of the subpoenas. On December 6, 2018, the ALJ issued Order No. 19, granting Jennewein's motion and certifying a request to the Commission for judicial enforcement of the subpoenas as narrowed by the ALJ.

The Commission has granted the ALJ's request and has authorized its Office of the General Counsel to seek judicial enforcement of the subpoenas.

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 Commission Rule of Practice and Procedure 210.32(g), 19 CFR § 210.32(g).

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: December 17, 2018