

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN BOTULINUM TOXIN
PRODUCTS, PROCESSES FOR
MANUFACTURING OR RELATING TO
SAME AND CERTAIN PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-1145

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING A MOTION TO AMEND
THE COMPLAINT AND NOTICE OF INVESTIGATION**

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. 43) of the Administrative Law Judge (“ALJ”) granting a motion to amend the complaint and notice of investigation (“NOI”).

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. 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>. 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: On March 6, 2019, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by Medytox Inc. of Seoul, South Korea; Allergan plc of Dublin, Ireland; and Allergan, Inc. of Irvine, California. *See* 84 FR 8112-13 (Mar. 6, 2019). The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain botulinum toxin products, processes for manufacturing or relating to same and certain products containing same by reason of misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure a domestic industry in the United States. *See id.* The notice of investigation (“NOI”) names as respondents Daewoong Pharmaceuticals Co., Ltd. of

Seoul, South Korea and Evolus, Inc. of Irvine, California (collectively, “Respondents”). *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

On June 15, 2020, complainants Allergan plc and Allergan, Inc (collectively, “Allergan”) filed a motion (“Motion”) to amend the complaint and NOI to reflect a corporate name change from Allergan plc to Allergan Limited. Complainant Medytox Inc. consented to the Motion. On June 25, 2020, Respondents filed a partial opposition to the Motion, disputing certain factual representations made by Allergan but not the requested name change. On the same day, OUII filed a response in support of the Motion.

On July 1, 2020, the ALJ issued the subject ID (Order No. 43) granting the Motion. The ID finds that, under Commission Rule 210.14(b) (19 CFR 210.14(b)), “good cause exists to amend the complaint and notice of investigation to conform to the name change.” *See ID* at 3. In addition, the ID finds that “this amendment would not prejudice the public interest or the rights of the parties to the investigation.” *See id.*

No petition for review of the subject ID was filed. The Commission has determined not to review the subject ID.

The Commission’s vote on this determination took place on July 20, 2020.

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: July 20, 2020