

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

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

Investigation No. 337-TA-1313

**NOTICE OF COMMISSION DETERMINATION NOT TO
REVIEW AN INITIAL DETERMINATION EXTENDING OF THE TARGET DATE
FOR THE COMPLETION OF THE 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. 16) issued by the presiding Administrative Law Judge (“ALJ”) in the above-captioned investigation. The target date for the completion of the investigation is extended to October 10, 2024.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5468. 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: On May 5, 2022, 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 complainant Medytox Inc. 87 FR 26782-26783 (May 5, 2022). The complaint alleged a violation of section 337 based upon the importation into the United States, the sale for importation, or the sale within the United States after importation of certain botulinum toxin products and processes for manufacturing or relating to same by reason

of theft and conversion and misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure an industry in the United States. *Id.* at 26782. The notice of investigation named the following as respondents: Hugel, Inc. of Seoul, Republic of Korea; Hugel America, Inc. of Irvine, California; and Croma Pharma GmbH of Leobendorf, Austria. The complaint also alleged the existence of a domestic industry. *Id.* at 26783. The Commission's Office of Unfair Import Investigations was named as a party in this investigation. *Id.*

On April 25, 2023, the ALJ issued the subject ID pursuant to Commission Rule 210.51(a) (19 CFR 210.51(a)), extending the target date for the completion of the investigation to October 10, 2024. The ID notes that there is good cause for the extension to accommodate delays due to the parties needing to seek approval for discovery from the Korean Ministry of Trade, Industry and Energy. No party petitioned for review of the ID.

The Commission has determined to not review the subject ID. The target date for the competition is extended to October 10, 2024. The Final ID is due to issue no later than June 10, 2024.

The Commission vote for these determinations took place on May 23, 2023.

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: May 24, 2023