UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of	
CERTAIN PLANT-DERIVED RECOMBINANT HUMAN SERUM ALBUMINS ("rHSA") AND PRODUCTS CONTAINING SAME	**Investigation No. 337-TA-1238**

NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL DETERMINATION PARTIALLY TERMINATING THE INVESTIGATION BASED ON WITHDRAWAL OF ALLEGATIONS IN THE COMPLAINT

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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 12), partially terminating the investigation based on withdrawal of the complaint with respect to all asserted claims of U.S. Patent No. 8,609,416 ("the '416 patent"), and the false designation of origin claims against Respondent Wuhan Healthgen Biotechnology Corp. ("Healthgen").

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, D.C. 20436, telephone (202) 205-2392. 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 January 25, 2021, based on a complaint filed on behalf of Ventria Bioscience Inc. ("Ventria") of Junction City, Kansas. 86 FR 6916 (Jan. 25, 2021). The complaint, as supplemented, alleged 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 plant-derived recombinant human serum albumins ("rHSA") and

products containing same by reason of infringement of certain claims of the '416 patent and U.S. Patent No. 10,618,951. *Id*. The complaint also alleged violations of section 337 based on the importation into the United States, or in the sale of, certain plant-derived recombinant human serum albumins ("rHSA") and products containing same by reason of false designation of origin, the threat or effect of which is to destroy or substantially injure an industry in the United States. *Id.* The notice of investigation named Healthgen of Wuhan, China; ScienCell Research Laboratories, Inc. of Carlsbad, California; Aspira Scientific, Inc. of Milpitas, California; and eEnzyme LLC of Gaithersburg, Maryland, as respondents. *Id*. at 6917. The Office of Unfair Import Investigations ("OUII") is also named as a party in this investigation. *Id.*

On June 9, 2021, Complainant Ventria moved for partial termination of this investigation. In particular, Ventria moved to terminate the investigation based on the withdrawal of the complaint: (a) as to all asserted claims of the '416 patent; and (b) as to the false designation of origin claims solely against Respondent Healthgen. OUII did not oppose Ventria's motion. No other response was filed.

On July 16, 2021, the ALJ issued the subject ID (Order No. 12) granting Ventria's motion to terminate the '416 patent and the false designation of origin claims against Healthgen. The ALJ found Ventria's motion complies with Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), and no extraordinary circumstances justify denying the motion. Order No. 12 at 2 (July 16, 2021). No petitions for review were filed.

The Commission has determined not to review the subject ID. The '416 patent and the false designation of origin claims against Healthgen are hereby terminated.

The Commission vote for this determination took place on August 10, 2021.

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: August 10, 2021