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 CERTAIN 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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 29) partially terminating the investigation based on withdrawal of the complaint with respect to claims 2 and 3 of U.S. Patent No. 10,618,951 ("the '951 patent").

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 one or more of claims 1-3 and 11-13 of the '951 patent and certain claims of U.S. Patent No. 8,609,416 ("the '416 patent"). *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 four respondents: Wuhan Healthgen Biotechnology Corp. ("Healthgen") of Wuhan, China; ScienCell Research Laboratories, Inc. ("ScienCell") of Carlsbad, California; Aspira Scientific, Inc. ("Aspira") of Milpitas, California; and eEnzyme LLC ("eEnzyme") of Gaithersburg, Maryland. *Id*. at 6917. The Office of Unfair Import Investigations ("OUII") is also named as a party in this investigation. *Id.*

The '416 patent and the false designation of origin claims against Healthgen have been terminated. *See* Order No. 12 (July 16, 2021), *unreviewed by* Comm'n Notice (Aug. 10, 2021).

Respondents Aspira, eEnzyme, and ScienCell have been found in default. *See* Order No. 13 (July 28, 2021), *unreviewed by* Comm'n Notice (Aug. 18, 2021).

On November 2, 2021, Ventria moved for partial termination of the investigation based on withdrawal of the complaint with respect to claims 2 and 3 of the '951 patent. No party opposed the motion.

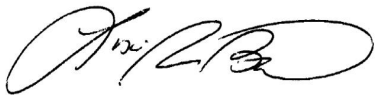
On November 3, 2021, the ALJ issued the subject ID (Order No. 29) granting Ventria's motion. The ALJ found Ventria's motion complies with Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), and no extraordinary circumstances justify denying the motion. Order No. 29 at 1-2 (Nov. 3, 2021). No petitions for review were filed.

The Commission has determined not to review the subject ID. Claims 2 and 3 of the '951 patent are hereby terminated from the investigation.

The Commission vote for this determination took place on November 26, 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: November 29, 2021