

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PRODUCTS CONTAINING
TIRZEPATIDE & PRODUCTS
PURPORTING TO CONTAIN
TIRZEPATIDE**

Investigation No. 337-TA-1377

**NOTICE OF A COMMISSION DETERMINATION TO EXTEND THE DUE DATE FOR
DETERMINING WHETHER TO REVIEW A SUMMARY INITIAL DETERMINATION
FINDING CERTAIN RESPONDENTS IN VIOLATION OF SECTION 337**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the due date for determining to review an initial determination (“ID”) (Order No. 26) of the presiding administrative law judge (“ALJ”), partially granting a motion for summary determination on violation of section 337, to January 22, 2025.

FOR FURTHER INFORMATION CONTACT: Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3427. 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 November 27, 2023, based upon a complaint filed on behalf of Eli Lilly and Company of Indianapolis, Indiana (“Lilly”). 88 FR 82914, 82914-15 (Nov. 27, 2023). The complaint, as supplemented, alleges violations 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 products containing tirzepatide or purporting to contain tirzepatide by reason of false designation of source and false and misleading advertising, the threat or effect of which is to destroy or substantially injure an industry in the United States, and by reason of infringement of U.S. Trademark No. 6,809,369. *Id.* The complaint also alleges that a domestic industry exists pursuant to subsection (a)(2) of section 337. *Id.* The Commission’s notice of investigation named as respondents: (1) Arctic Peptides LLC of Akeny, Iowa (“Arctic Peptides”); (2) Audrey

Beauty Co. of Hong Kong, China (“Audrey Beauty”); (3) Biolabshop Limited of Lancaster, United Kingdom (“Biolabshop”); (4) Mew Mews Company Limited of Hong Kong, China (“Mew Mews”); (5) Strate Labs LLC of Spring, Texas (“Strate Labs”); (6) Steroide Kaufen of Bialystok, Poland (“Steroide Kaufen”); (7) Super Human Store of Barcelona, Spain (“SHS”); (8) Supopeptide of Cedar Grove, New Jersey (“Supopeptide”); (9) Triggered Supplements LLC (d/b/a The Triggered Brand) of Clearwater, Florida (“Triggered Brand”); (10) Unewlife of Cedar Grove, New Jersey (“Unewlife”); and (11) Xiamen Austronext Trading Co., Ltd. (d/b/a AustroPeptide) of Fujian, China (“AustroPeptide”). *Id.* at 82915. The Office of Unfair Import Investigations (“OUII”) is also named as a party in this investigation. *Id.*

On March 21, 2024, the investigation terminated in part, based on withdrawal of the related allegations in the complaint, as to respondents Unewlife, Supopeptide, and Steroide Kaufen. Order No. 8 (Mar. 7, 2024), *unreviewed by* Comm’n Notice (Mar. 21, 2024).

On May 15, 2024, the Commission found Arctic Peptides, Audrey Beauty, Biolabshop, Mew Mews, Strate Labs, SHS, Triggered Brand, and AustroPeptide in default. Order No. 13 (Apr. 22, 2024), *unreviewed by* Comm’n Notice (May 15, 2024).

On May 21, 2024, the complaint was amended to add as respondents Fibonacci Sequence LLC (d/b/a GenX Peptides) of Houston, Texas (“GenX Peptides”); and Paradigm Peptides of Michigan City, Indiana (“Paradigm Peptides”). Order No. 12 (Apr. 22, 2024), *unreviewed by* Comm’n Notice (May 21, 2024), available at 89 FR 46159, 46159-60 (May 28, 2024).

On June 13, 2024, the complaint was further amended to add as a respondent Total Compounding Pharmaceuticals of Australia (“Total Compounding”). Order No. 16 (May 8, 2024), *unreviewed by* Comm’n Notice (June 13, 2024), available at 89 FR 5149, 51549-50 (June 18, 2024).

On October 16, 2024, the Commission found GenX Peptides in default. Order No. 23 (Aug. 27, 2024), *unreviewed by* Comm’n Notice (Oct. 16, 2024).

On July 12, 2024, Lilly moved for summary determination on violation based on allegations of trademark infringement, false designation of origin, and/or false advertising against (1) Arctic Peptides, (2) Audrey Beauty, (3) Biolabshop, (4) Mew Mews, (5) Strate Labs, (6) SHS, (7) Triggered Brand, (8) AustroPeptide, (9) GenX Peptides, (10) Paradigm Peptides, and (11) Total Compounding. On December 6, 2024, the ALJ issued the subject ID, which partially granted the motion. Order No. 26 (Dec. 6, 2024). The ID granted Lilly’s motion regarding trademark infringement as to respondents Audrey Beauty, Mew Mews, SHS, and Triggered Brand, but denied the motion as to GenX Peptides, Total Compounding, Paradigm Peptides, and Strate Labs. *E.g.*, ID at 134 (including n.61). The ID granted Lilly’s motion regarding false designation of origin as to respondents Audrey Beauty, Mew Mews, SHS, Triggered Brand, and Strate Labs, but denied the motion as to GenX Peptides, Total Compounding, Paradigm Peptides, and Biolabshop. *E.g.*, *id.* (including n. 62). And the ID granted Lilly’s motion as to false advertising as to respondents SHS, AustroPeptide, and Arctic

Peptides. *E.g., id.* The ID additionally found that Lilly is entitled to summary determination as to the domestic industry requirement. *E.g., id.* No petitions for review of the ID were filed.

The Commission has determined to extend the due date for determining whether to review the ID to January 22, 2025.

The Commission vote for this determination took place on January 6, 2025.

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', enclosed within a large, loopy oval flourish.

Lisa R. Barton
Secretary to the Commission

Issued: January 6, 2025