

information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf), elaborates upon the Commission's procedures with respect to filings.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Determination.**—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

**Authority:** These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: May 7, 2021.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2021-10004 Filed 5-11-21; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1145 (Bond Return)]

### Certain Botulinum Toxin Products, Processes for Manufacturing or Relating to Same and Certain Products Containing Same; Notice of Commission Decision Not To Review an Initial Determination Granting an Unopposed Motion for Return of Bond; Return of Bond

**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”) of the presiding Administrative Law Judge (“ALJ”) granting an unopposed motion of respondent Evolus, Inc. (“Evolus”) for the return of the bond it paid under the cease and desist order (“CDO”) during the period of Presidential review. The bond is returned to Evolus.

**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](mailto: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. (“Medytox”) of Seoul, South Korea; Allergan plc of Dublin, Ireland; and Allergan, Inc. of Irvine, California (collectively, “Complainants”). 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 names as respondents Daewoong Pharmaceuticals Co., Ltd. (“Daewoong”) of Seoul, Republic of Korea and Evolus of Irvine, California (collectively, “Respondents”). See *id.* The Office of Unfair Import Investigations (“OUII”) was also a party to the investigation. See *id.*

On July 6, 2020, the ALJ issued a final initial determination (“FID”) finding a violation of section 337 based on the misappropriation of Complainants' asserted trade secrets (including the Medytox bacterial strain and Medytox manufacturing processes), the threat or effect of which is to destroy or substantially injure an industry in the United States. On September 21, 2020, the Commission issued a notice determining to review the FID in part. See 85 FR 60489-90 (Sept. 25, 2020).

On December 16, 2020, the Commission found a violation of section 337 based on the misappropriation of Complainants' trade secrets (including the Medytox manufacturing processes but not the Medytox bacterial strain). See 85 FR 83610-11 (Dec. 22, 2020). The Commission issued a limited exclusion order against certain botulinum neurotoxin products that are imported and/or sold by Respondents Daewoong and Evolus and a CDO against Evolus. See *id.* The Commission also set a bond during the period of Presidential review in an amount of \$441 per 100U vial of Respondents' accused products. See *id.*

On February 12, 2021, Complainants filed an appeal from the Commission's final determination with the Federal Circuit. On the same day, Respondents also filed an appeal from the Commission's final determination of a violation of section 337. On February 18, 2021, Complainants and Evolus (“Settling Parties”) announced that they reached a settlement agreement to resolve all pending issues between them.

On March 3, 2021, the Settling Parties filed a joint petition to rescind the LEO and CDO based on the settlement agreements between Complainants and Evolus. No party opposed the joint petition. On May 3, 2021, the Commission rescinded the remedial orders issued in this investigation based on the settlement agreements. Comm'n Notice (May 3, 2021).

On February 25, 2021, Evolus filed an unopposed motion, pursuant to Commission Rule 210.50(d) (19 CFR 210.50(d)), for the return of the bond it paid under the CDO during the period of Presidential review. On February 26, 2021, the motion was amended to reflect Daewoong's consent to the motion. On March 4, 2021, OUII filed a response in support of the motion.

On March 31, 2021, the ALJ issued the subject ID granting the motion. The ID notes that the motion was filed within 90 days of the expiration of the period of Presidential review, in compliance with Commission Rule 210.50(d)(1)(ii) (19 CFR 210.50(d)(1)(ii)). See ID at 2. The ID also finds no substantive or procedural reason to deny the return of the bond to Evolus. See *id.* No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. The bond is returned to Evolus.

The Commission's vote on this determination took place on May 6, 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.

Issued: May 6, 2021.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2021-09990 Filed 5-11-21; 8:45 am]

**BILLING CODE 7020-02-P**

## **INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-1178]

### **Certain Collapsible and Portable Furniture; Notice of a Commission Determination To Review in Part a Final Initial Determination and To Affirm With Modifications the Finding of No Violation of Section 337; Termination of the Investigation**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined to review in part the Administrative Law Judge's ("ALJ") final initial determination ("FID"), issued on February 18, 2021, and to affirm with modifications the FID's finding of no violation of section 337 in the above-referenced investigation. The investigation is terminated.

**FOR FURTHER INFORMATION CONTACT:** Benjamin S. Richards, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-5453. 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](mailto: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 October 3, 2019. 84 FR 52896 (Oct. 3, 2019). The complaint, as amended, filed by GCI Outdoor, Inc., of Higganum, Connecticut ("GCI"), alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the

importation into the United States, the sale for importation, or the sale within the United States after importation of certain collapsible and portable furniture by reason of infringement of certain claims of U.S. Patent No. 9,282,824 ("the '824 patent") and U.S. Patent No. 9,060,611 ("the '611 patent"). *Id.* at 52896-97. The complaint further alleges that a domestic industry exists. *Id.* at 52897. The Commission's notice of investigation named the following respondents: Denovo Brands, LLC of Bentonville, Arkansas; Zhenli (Zhangzhou) Industrial Co., Ltd. of Zhangzhou, Fujian, China; Fujian Zenithen Consumer Products Co., Ltd. of Fuzhou, Fujian, China; Zenithen Hong Kong Ltd. of Hong Kong; Zenithen USA LLC of Upland, California; Westfield Outdoor, Inc., d/b/a Westfield Outdoors of Indianapolis, Indiana; MacSports Inc. of La Verne, California; Meike (Qingdao) Leisure Products Co., Ltd of Qing Dao, China. *Id.* The Office of Unfair Import Investigations is not participating in the investigation. *Id.*

During the course of the investigation, respondents Fujian Zenithen Consumer Products Co., Ltd., Zenithen Hong Kong Ltd., and Zenithen USA LLC were terminated from the investigation. The remaining respondents are Denovo Brands, LLC and Zhenli (Zhangzhou) Industrial Co., Ltd. (the "Denovo" respondents); Westfield Outdoor, Inc. ("Westfield"); and MacSports Inc. and Meike (Qingdao) Leisure Products Co., Ltd (the "MacSports" respondents) (collectively, "Respondents").

On February 18, 2021, the ALJ issued his FID in this investigation. The FID found no violation of section 337. For the '824 patent, the FID found that GCI established infringement by Denovo's products but failed to establish that GCI satisfied the technical prong of the domestic industry requirement. The FID also found that Denovo did not establish that any of the asserted claims of the '824 patent is invalid. For the '611 patent, the FID found that GCI failed to establish infringement by Westfield's and MacSports' products but did establish that GCI satisfied the technical prong of the domestic industry requirement. The FID also found that Westfield and MacSports did not establish that any of the asserted claims of the '611 patent is invalid. The FID additionally found that GCI established that it satisfied the economic prong of the domestic industry requirement for both asserted patents.

On March 2, 2021 the parties submitted petitions seeking review of the FID. On March 10, 2021, the parties submitted responses to the others' petitions.

Having examined the record of this investigation, including the FID, the petitions for review, and the responses thereto, the Commission has determined to review the FID with respect to (1) all of the FID's findings concerning the '824 patent; (2) infringement and validity of the '611 patent; and (3) the FID's findings concerning the economic prong of the domestic industry requirement. The Commission has determined not to review the remainder of the FID.

On review, the Commission has determined to affirm the FID's finding of no violation of section 337 with regard to the '824 patent and the '611 patent. In connection with that determination the Commission has also determined to modify and supplement certain of the FID's subsidiary findings. The Commission has also determined to take no position on certain portions of the FID. The Commission opinion is issued concurrently herewith.

The investigation is hereby terminated.

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

Issued: May 6, 2021.

**Lisa Barton,**

*Secretary to the Commission.*

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## **DEPARTMENT OF JUSTICE**

### **Bureau of Alcohol, Tobacco, Firearms and Explosives**

[OMB Number 1140-0072]

#### **Agency Information Collection Activities; Proposed eCollection of eComments Requested; Revision of a Currently Approved Collection; Explosives Employee Possessor Questionnaire—ATF Form 5400.28**

**AGENCY:** Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ), will submit the following information collection request to the Office of Management and Budget (OMB) for