



UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C. 20436

September 12, 2022

Dax Terrill, Chief
Exclusion Order Enforcement Branch
U.S. Customs and Border Protection
Regulations and Rulings – Office of Trade
90 K Street NE – 10th Floor
Washington, DC 20229-1177

Re: Limited exclusion order issued by the U.S. International Trade Commission in Investigation No. 337-TA-1238, *Certain Plant-Derived Recombinant Human Serum Albumins (“rHSA”) and Products Containing Same*.

Dear Mr. Terrill:

On September 12, 2022, the United States International Trade Commission issued a limited exclusion order prohibiting respondents Wuhan Healthgen Biotechnology Corp. of Wuhan, China¹; ScienCell Research Laboratories, Inc. of Carlsbad, California (“ScienCell”); Aspira Scientific, Inc. of Milpitas, California (“Aspira”); and eEnzyme LLC of Gaithersburg, Maryland (“eEnzyme”) from importing into the United States certain plant-derived recombinant human serum albumins (“rHSA”) and products containing the same that infringe one or more of claims 1 and 11–13 of United States Patent No. 10,618,951 (the “subject patent”). The limited exclusion order also prohibits respondents ScienCell, Aspira, and eEnzyme from importing into the United States certain plant-derived recombinant human serum albumins and products containing the same that include a false designation of origin.

The owner of the subject patents is Ventria Bioscience Inc. of Junction City, Kansas. Beau Jackson (tel. 816-983-8202), of the law firm Husch Blackwell LLP, was counsel for complainant in the proceedings before the Commission.

The products in question are believed to be imported under at least HTSUS Number 3502.90.00. The products in question have been sold, imported, and/or marketed under at least the following tradenames: OsrHSA, Oryzogen, and OryBio.

¹ Also known as Healthgen Biotechnology, Co. Ltd; Healthgen Biotechnology Corp.; Wuhan Healthgen Biotechnology Corp.; and Healthgen Biotechnology Co.

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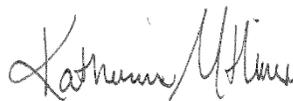
The Commission's order regarding United States Patent No. 10,618,951 is in effect until the subject patent(s) expire(s) or one or more of its claims are rendered invalid or unenforceable. The expiration date for United States Patent No. 10,618,951 is February 18, 2030. A copy of the subject patent is enclosed. We separately transmitted the limited exclusion order to you, along with the Commission record, on the day of its issuance.

Per the limited exclusion order, the covered products are entitled to entry for consumption into the United States, entry for consumption from foreign trade zone, or withdrawal from a warehouse for consumption under bond from the day after this order is received by the United States Trade Representative, pursuant to subsection (j) of section 337 of the Tariff Act of 1930, as amended, and the Presidential Memorandum of July 21, 2005 (70 FR 43251), until such time as the Representative notifies the Commission of approval or disapproval of this action but, in any event, not later than sixty (60) days after the date of receipt of this action. A bond in the amount of one hundred percent (100%) of certain plant-derived recombinant human serum albumins and products containing the same thereof is required to permit temporary importation of the articles in question during the period of Presidential review (19 U.S.C. § 1337(j)).

Known importers of the infringing products include: Healthgen, ScienCell, Aspira, and eEnzyme.

If you have any questions concerning the limited exclusion order, please feel free to contact Michelle Klancknik, michelle.klancknik@usitc.gov or 205-3104 or Ron Traud, Esq. at ronald.traud@usitc.gov or 202-205-3427.

Sincerely,



Katherine M. Hiner
Acting Secretary to the Commission

Enclosures

cc: Office of the General Counsel
Office of the United States Trade Representative
600 17th Street, N.W.
Washington, D.C. 20508