

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN CARTRIDGES FOR
ELECTRONIC NICOTINE DELIVERY
SYSTEMS AND COMPONENTS THEREOF**

Investigation No. 337-TA-1141

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW THREE
INITIAL DETERMINATIONS (ORDER NOS. 19, 20 AND 21) TERMINATING THE
INVESTIGATION WITH RESPECT TO THE ELECTRIC TOBACCONIST, LLC,
MISTHUB, LLC, AND LAN & MIKE INTERNATIONAL TRADING, INC.**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined not to review three initial determinations (“ID”) that terminate the investigation with respect to the following respondents pursuant to their separate settlement agreements: (i) The Electric Tobacconist, LLC (“ET”) (Order No. 19); (ii) Misthub, LLC (“MistHub”) (Order No. 20); and (iii) Lan & Mike International Trading, Inc. (“Lan & Mike”) (Order No. 21).

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2382. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s Electronic Docket Information System (“EDIS”) (<https://edis.usitc.gov>). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: On December 27, 2018, the Commission instituted the present investigation based on a complaint filed by Juul Labs, Inc. (“Juul”) of San Francisco, California. 83 FR 66746 (Dec. 27, 2018). The complaint alleges a violation of 19 U.S.C. § 1337, as amended, in the importation into the United States, sale for importation, and sale in the United States after importation of certain cartridges used in electronic nicotine delivery systems and components thereof that allegedly infringe one or more of the asserted claims of five Juul patents, namely, U.S. Patent Nos. 10,058,129; 10,104,915; 10,111,470; 10,117,465; and 10,117,466. *Id.* The notice of investigation named twenty-three (23) respondents, including:

ET of Boulder, Colorado; MistHub of Buffalo Grove, Illinois; and Lan & Mike of Torrance, California. The Office of Unfair Import Investigations (“OUII”) was also named a party. *Id.*

On March 8, 2019, Juul and ET filed an unopposed joint motion to terminate the investigation with respect to ET based on a settlement agreement. On March 14, 2019, Juul and MistHub filed a similar unopposed joint motion to terminate the investigation with respect to MistHub based on a settlement agreement. On March 18, 2019, Juul and Lan & Mike also filed an unopposed joint motion to terminate the investigation with respect to Lan & Mike based on a settlement agreement. On March 19, 25, and 28, 2019, OUII filed responses in support of each motion, respectively. No other responses were filed.

On April 10, 2019, the presiding administrative law judge (“ALJ”) issued the three subject initial determinations (Order Nos. 19, 20, 21) granting each of the unopposed joint motions to terminate the investigation with respect to and ET, MistHub, and Lan & Mike, respectively. In each case, the ALJ found that the motion and settlement agreement in question satisfied the requirements of Commission Rules 210.21(a), (b), 19 C.F.R. § 210.21(a), (b).

No party filed a petition seeking review of Order Nos. 19-21. The Commission has determined not to review any of the three initial determinations.

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: May 7, 2019