

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 AN INITIAL
DETERMINATION (ORDER NO. 25) TERMINATING THE INVESTIGATION WITH
RESPECT TO RESPONDENT THE ZFO; ISSUANCE OF CONSENT ORDER**

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 an initial determination (“ID”) (Order No. 25) terminating the investigation with respect to respondent The ZFO pursuant to a consent order. The Commission has also determined to issue the consent order.

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 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 The ZFO (“ZFO”) of Spencerport, New York. *Id.* The Office of Unfair Import Investigations (“OUII”) was also named a party. *Id.*

The Commission has already terminated the investigation with respect to several respondents pursuant to consent orders. *See, e.g.*, Order Nos. 13, 14 (*unreviewed*, Comm'n Notice (Mar. 26, 2019)); Order Nos. 15, 16 (*unreviewed*, Comm'n Notice (Mar. 26, 2019)). Several respondents have also been terminated from the investigation based on settlement.

On April 4, 2019, Juul and ZFO filed a joint motion to terminate the investigation with respect to ZFO based on a consent order. On April 15, 2019, OUII filed a response in support of the motion. No other responses were filed.

On April 18, 2019, the presiding administrative law judge ("ALJ") issued the subject initial determination (Order No. 25) granting the unopposed joint motion to terminate the investigation with respect to ZFO pursuant to a consent order. The ALJ found that the motion and consent order satisfied the requirements of Commission Rules 210.21(a), (c), 19 C.F.R. 210.21(a), (c).

No party filed a petition seeking review of Order No. 25. The Commission has determined not to review the subject initial determination and to issue a consent order.

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 15, 2019