

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN TOBACCO HEATING
ARTICLES AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1199

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION
AS TO RESPONDENTS ALTRIA GROUP, INC. AND PHILIP MORRIS
INTERNATIONAL INC. BASED ON THE WITHDRAWAL OF PART OF
THE COMPLAINT**

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”) (Order No. 24) of the presiding administrative law judge (“ALJ”) terminating the investigation as to respondents Altria Group, Inc. (“AGI”) and Philip Morris International Inc. (“PMI”) based on the withdrawal of part of the complaint.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3228. 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: On May 15, 2020, 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 RAI Strategic Holdings, Inc., R.J. Reynolds Vapor Company, and R.J. Reynolds Tobacco Company, all of Winston-Salem, North Carolina (collectively, “Complainants”). *See* 85 FR 29482-83. The complaint, as supplemented, alleges a violation of section 337 based upon the importation of certain tobacco heating articles and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 9,839,238; 9,901,123; and 9,930,915. The complaint also alleges the existence of a domestic industry. The notice of investigation names the following respondents: Altria Client Services LLC, AGI,

and Philip Morris USA, Inc., all of Richmond, Virginia; PMI of New York, New York; and Philip Morris Products S.A. of Neuchatel, Switzerland (collectively, “Respondents”). *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

On December 1, 2020, Complainants and Respondents filed a joint motion to terminate the investigation as to AGI and PMI based on the withdrawal of part of the complaint. On December 11, 2020, OUII filed a response in support of the joint motion.

On December 14, 2020, the ALJ issued the subject ID (Order No. 24) granting the joint motion and terminating AGI and PMI from the investigation. The ID finds that the joint motion complies with the Commission Rules and was made before the issuance of any ID on violation of section 337, and there are no extraordinary circumstances that warrant denying the motion.

The Commission has determined not to review the subject ID. Accordingly, the following respondents are terminated from the investigation: AGI and PMI.

The Commission vote for this determination took place on January 5, 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: January 5, 2021