

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

**In the Matter of**

**CERTAIN VAPORIZER CARTRIDGES  
AND COMPONENTS THEREOF**

**Investigation No. 337-TA-1211**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW TWO INITIAL  
DETERMINATIONS TERMINATING THE INVESTIGATION AS TO CERTAIN  
RESPONDENTS BASED ON CONSENT ORDER STIPULATIONS; ISSUANCE OF  
TWO CONSENT ORDERS**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review two initial determinations (“IDs”) (Order Nos. 49 and 50) granting joint motions to terminate respondents The Kind Group LLC of Ocean, New Jersey (“Kind Group”) and Tobacco Club & Gifts, Inc., d/b/a CaryTown Tobacco of Midland, Texas (“CaryTown”), respectively, in the above-captioned investigation based on consent order stipulations. The Commission has issued two consent orders.

**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](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:** On August 14, 2020, the Commission instituted this investigation based on a complaint, as supplemented, filed on behalf of Juul Labs, Inc. (“JLI”) of San Francisco, California. 85 FR 49679 (Aug. 14, 2020). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain vaporizer cartridges and components thereof by reason of infringement of U.S. Design Patent Nos. D842,536; D858,870; D858,869; and D858,868. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission’s notice of investigation names forty-nine (49) respondents, including Kind Group and CaryTown. *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

On December 8, 2020, JLI and CaryTown filed a joint motion to terminate this investigation with respect to CaryTown based on a consent order stipulation and proposed consent order. On December 17, 2020, OUII filed a response supporting the motion. On January 6, 2021, the presiding administrative law judge (“ALJ”) ordered JLI and CaryTown to re-file the joint motion with a modified stipulation and consent order. *See* Order No. 39 (Jan. 6, 2021). On January 25, 2021, JLI and CaryTown refiled their joint motion with the required modified stipulation and consent order.

On January 5, 2021, JLI and Kind Group filed a joint motion to terminate this investigation with respect to Kind Group based on a consent order stipulation and proposed consent order. On January 15, 2021, OUII filed a response supporting the motion.

On February 3, 2021 the ALJ issued the two subject IDs. *See* Order No. 49 (Feb. 3, 2021); Order No. 50 (Feb. 3, 2021). Each of the subject IDs finds that the respective motion, consent order stipulation, and proposed consent order satisfy the requirements of Commission Rules 210.21(c)(3) and (c)(4) (19 CFR 210.21(c)(3), (c)(4)). The IDs also find that termination of Kind Group and CaryTown would not be contrary to the public interest.

No party petitioned for review of the subject IDs.

The Commission has determined not to review Order Nos. 49 and 50. Kind Group and CaryTown are hereby terminated from the investigation. The Commission has issued consent orders to Kind Group and CaryTown.

The Commission vote for this determination took place on February 22, 2021.

While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the complainant complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

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: February 22, 2021