

**UNITED STATES INTERNATIONAL TRADE COMMISSION**

**Washington, D.C.**

**In the Matter of**

**CERTAIN VAPORIZER DEVICES, CARTRIDGES  
USED THEREWITH, AND COMPONENTS  
THEREOF**

**Inv. No. 337-TA-1372**


**NOTICE OF INITIAL DETERMINATION ON VIOLATION OF SECTION 337 AND  
RECOMMENDED DETERMINATION ON REMEDY AND BOND**

(December 5, 2024)

Per the notice of investigation, 88 Fed. Reg. 66050 (Sept. 26, 2023), I issued the final initial determination today. 19 C.F.R. §§ 210.10(b), 210.42(a)(1)(i). As detailed there, I have determined that a violation of section 337 of the Tariff Act of 1930, as amended, has not occurred in the importation into the United States and the sale within the United States after importation of certain vaporizer devices, cartridges used therewith, and components thereof, by reason of patent infringement. The final initial determination concludes:

1. The Commission has statutory authority with respect to this investigation.
2. NJOY is the owner by assignment of the asserted patents.
3. The importation requirement is satisfied for the accused products.
4. Claims 2, 9, 10, 12, 13, 15, 16, 20, and 26 of U.S. Patent No. 11,497,864 patent have not been shown to be infringed.
5. Claims 19 and 26 of U.S. Patent No. 10,334,881 patent have not been shown to be infringed.
6. The technical prong of the domestic industry requirement has been satisfied with respect to the '864 patent.
7. The technical prong of the domestic industry requirement has not been satisfied with respect to the '881 patent.

8. Claims 2, 9, 10, 12, 13, 15, 16, 20, and 26 of the '864 patent have not been shown to be invalid.
9. Claims 1, 19, and 26 of the '881 patent have not been shown to be invalid.
10. The economic prong of the domestic industry requirement has not been satisfied with respect to the '864 patent.
11. The economic prong of the domestic industry requirement has not been satisfied with respect to the '881 patent.



Doris Johnson Hines  
Administrative Law Judge