

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

In the Matter of

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

Investigation No. 337-TA-1139

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING A JOINT MOTION FOR PARTIAL
TERMINATION OF THE INVESTIGATION AS TO ONE RESPONDENT
BASED ON A CONSENT ORDER STIPULATION AND A PROPOSED
CONSENT ORDER; ISSUANCE OF A CONSENT ORDER**

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. 9) of the presiding administrative law judge (“ALJ”) granting a joint motion for termination of the investigation as to respondent Vapor Hub International, Inc. (“Vapor Hub”) based upon a consent order stipulation and a proposed consent order. The Commission has issued a consent order.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-4716. 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, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.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 December 13, 2018, 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 Juul Labs, Inc. of San Francisco, California (“Complainant”). *See* 83 FR 64156-57 (Dec. 13, 2018). The complaint, as amended and supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic nicotine delivery systems and components thereof by reason of infringement of certain claims of U.S. Patent No. 10,070,669; U.S. Patent No. 10,076,139; U.S. Patent No. 10,045,568; U.S. Patent No. 10,058,130; and U.S. Patent No. 10,104,915. *See id.* The notice of investigation

names the following respondents: J Well France S.A.S. of Paris, France; Bo Vaping of Garden City, New York; MMS Distribution LLC of Rock Hill, New York; The Electric Tobacconist, LLC of Boulder, Colorado; Vapor 4 Life Holdings, Inc. of Northbrook, Illinois; Eonsmoke, LLC of Clifton, New Jersey; ZLab S.A. of Punta del Este, Uruguay; Ziip Lab Co., Limited of Shenzhen City, China; Shenzhen Yibo Technology Co., Ltd. of Shenzhen City, China; XFire, Inc. of Stafford, Texas; ALD Group Limited of Shenzhen City, China; Flair Vapor LLC of South Plainfield, New Jersey; Shenzhen Joecig Technology Co., Ltd. of Shenzhen City, China; Myle Vape Inc. of Jamaica, New York; Vapor Hub of Simi Valley, California; Limitless Mod Co. of Simi Valley, California; Asher Dynamics, Inc. of Chino, California; Ply Rock of Chino, California; Infinite-N Technology Limited of Shenzhen City, China; King Distribution LLC of Elmwood Park, New Jersey; and Keep Vapor Electronic Tech. Co., Ltd. of Shenzhen, China. *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

On February 1, 2019, Complainant and Vapor Hub filed a joint motion to terminate the investigation as to Vapor Hub based on a consent order stipulation and a proposed consent order. On February 13, 2019, OUII filed a response in support of the joint motion. No other response was filed.

On February 27, 2019, the ALJ issued the subject ID (Order No. 9) granting the joint motion. In accordance with Commission Rule 210.21(c), 19 CFR 210.21(c), the ID notes that the joint motion includes: (1) redacted and unredacted copies of the settlement agreement between Complainant and Vapor Hub, and (2) a statement that “there are no other agreements, written or oral, express or implied, relating to the subject matter of this Investigation.” *See ID* at 2. In addition, the ID finds that the consent order stipulation and the proposed consent order comply with Commission Rule 210.21(c)(3)-(4), 19 CFR 210.21(c)(3)-(4). *See id.* Furthermore, in accordance with Commission Rule 210.50(b)(2), 19 CFR 210.50(b)(2), the ID finds no evidence that terminating the investigation as to Vapor Hub based on a consent order would be contrary to the public interest. *See id.* at 4. The ID also suspends the procedural schedule with respect to Vapor Hub pending Commission review of the ID. *See id.*

No petition for review of the subject ID was filed. The Commission has determined not to review the ID and has issued the consent order as to Respondent Vapor Hub.

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: March 26, 2019