

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 TWO INITIAL
DETERMINATIONS (ORDER NOS. 13 AND 14) THE INVESTIGATION WITH
RESPECT TO SARVASVA LLC AND UNITED WHOLESALE LLC BASED ON
CONSENT ORDERS**

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: (i) an initial determination (“ID”) (Order No. 13) terminating the investigation with respect to Respondent United Wholesale LLC (“United Wholesale”) based on a consent order; and (ii) an ID (Order No. 14) terminating the investigation with respect to Sarvasva LLC (“Sarvasva”) based on a 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 66756 (Dec. 27, 2018). The complaint alleges a violation of 19 U.S.C. § 1337, as amended (“Section 337”), 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 five Juul patents, namely, 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 United Wholesale of Glastonbury, Connecticut and Sarvasva of Maple

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

On February 12, 2019, Juul and United Wholesale filed a joint motion to terminate the investigation as to United Wholesale based on a consent order and stipulation, which they filed pursuant to Commission Rule 210.21(c) (19 CFR 210.21(c)). OUII filed a response in support of the motion; no other responses were filed.

On February 14, 2019, Juul and Sarvasva filed a joint motion to terminate the investigation as to Sarvasva based on a consent order and stipulation, pursuant to Commission Rule 210.21(c) (19 CFR 210.21(c)). OUII filed a response in support of the motion; no other responses were filed.

On February 28, 2019, the presiding administrative law judge (“ALJ”) issued an initial determination (Order No. 13) finding that Juul and United Wholesale had complied with the requirements of Commission Rule 210.21(c) and that there were no countervailing public interest concerns that weigh against termination of United Wholesale. Accordingly, the ALJ granted the joint motion to terminate United Wholesale from the investigation, pursuant to the proposed consent order.

On the same date, the ALJ issued a second initial determination (Order No. 14) finding that Juul and Sarvasva had complied with the requirements of Commission Rule 210.21(c) and that there were no countervailing public interest concerns that weigh against termination of Sarvasva. Accordingly, the ALJ also granted the joint motion to terminate Sarvasva from the investigation, pursuant to the proposed consent order.

No party filed a petition seeking review of either Order No. 13 or Order No 14. The Commission has determined not to review either initial determination and to issue the proposed consent orders that were the subject of said motions.

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