

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 AN INITIAL
DETERMINATION FINDING CERTAIN RESPONDENTS IN DEFAULT**

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 an initial determination (“ID”) finding certain respondents in default.

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 66746 (Dec. 27, 2018). The complaint alleges a violation of 19 U.S.C. 1337, as amended, 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 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: DripTip Vapes LLC of Plantation, Florida; and Shenzhen OVNS Technology Co., Ltd, Shenzhen Haka Flavor Technology Co., Ltd., and Shenzhen OCIGA Technology Co., Ltd., all of Shenzhen, Guangdong, China (collectively, “the Defaulting Respondents”). The Defaulting Respondents were all served copies of the complaint and notice of investigation. The Office of Unfair Import Investigations was also named as a party. *Id.*

A number of respondents have already been terminated from this investigation pursuant to consent orders or settlement agreements. *See* Comm'n Notice (May 16, 2019) (*aff'g* Order No. 25); Comm'n Notice (May 7, 2019) (*aff'g* Order Nos. 19-21); Comm'n Notice (Mar. 27, 2019) (*aff'g* Order Nos. 15, 16); Comm'n Notice (Mar. 27, 2019) (*aff'g* Order Nos. 13, 14).

On April 27, 2019, the presiding administrative law judge ("ALJ") issued an order (Order No. 24) directing the Defaulting Respondents to show cause by April 30, 2019, why they should not be held in default for failing to respond to the complaint and notice of investigation. None of the Defaulting Respondents attempted to show cause why they should not be held in default by the ALJ's deadline. Accordingly, on May 3, 2019, the ALJ issued the subject ID (Order No. 26), in which she found the Defaulting Respondents to be in default, pursuant to Commission Rule 210.16(a)(1), 19 CFR 210.16(a)(1).

No party filed a petition for Commission review of Order No. 26. The Commission has determined not to review the subject ID.

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'.

Lisa R. Barton
Secretary to the Commission

Issued: May 31, 2019