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 A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL DETERMINATION TO TERMINATE THE INVESTIGATION WITH RESPECT TO FUMA VAPOR, INC. BASED ON A 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 (the "Commission") has determined not to review an initial determination ("ID") (Order No. 34) terminating the investigation with respect to Fuma Vapor, Inc. ("Fuma Vapor") of Des Plaines, Illinois 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, 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 Fuma Vapor. The Office of Unfair Import Investigations was also named as a party. *Id*.

The Commission has already terminated a number of respondents from this investigation pursuant to consent orders or settlement. Order No. 30 (May 15, 2019) (*not rev'd*, Comm'n Notice (June 12, 2019)); Order No. 25 (*not rev'd*, Comm'n Notice (May 15, 2019)); Order Nos. 19-21 (*not rev'd*, Comm'n Notice (May 7, 2019)); Order Nos. 15, 16 (*not rev'd*, Comm'n Notice (Mar. 26, 2019)); Order Nos. 13, 14 (*not rev'd*, Comm'n Notice (Mar. 26, 2019)). The Commission has also found certain other respondents to be in default. Order No. 26 (May 3, 2019) (*not rev'd*, Comm'n Notice (May 31, 2019)).

On June 4, 2019, Juul filed a motion to terminate the investigation as to Fuma Vapor, based on a consent order and consent order stipulation. OUII filed a response in support of the motion on June 13, 2019. No other responses were filed.

On June 14, 2019, the presiding administrative law judge ("ALJ") issued the subject ID (Order No. 34) granting the unopposed motion to terminate Fuma Vapor due to a consent order.

No party filed a petition to review the subject ID. The Commission has determined not to review the subject ID and to issue a consent order terminating Fuma Vapor from this investigation.

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: July 10, 2019