

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN VAPORIZER CARTRIDGES
AND COMPONENTS THEREOF**

Investigation No. 337-TA-1211

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW THREE
INITIAL DETERMINATIONS TERMINATING THE INVESTIGATION AS TO
CERTAIN RESPONDENTS BASED ON CONSENT ORDER STIPULATIONS;
ISSUANCE OF THREE CONSENT ORDERS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review three initial determinations (“IDs”) (Order Nos. 40-42) granting joint motions to terminate respondents eCig-City of Riverside, California, All Puff Store of Middleburg Heights, Ohio, and Wireless N Vapor Citi LLC of Lexington, Kentucky, respectively, in the above-captioned investigation based on consent order stipulations. The Commission has issued three consent orders.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3228. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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 August 14, 2020, the Commission instituted this investigation based on a complaint, as supplemented, filed on behalf of Juul Labs, Inc. (“JLI”) of San Francisco, California. 85 FR 49679 (Aug. 14, 2020). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain vaporizer cartridges and components thereof by reason of infringement of U.S. Design Patent Nos. D842,536; D858,870; D858,869; and D858,868. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission’s notice of

investigation names forty-nine (49) respondents, including eCig-City of Riverside, California (“eCig-City”), All Puff Store of Middleburg Heights, Ohio (“All Puff Store”), and Wireless N Vapor Citi LLC of Lexington, Kentucky (“Wireless”). *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

On December 9, 2020, JLI and eCig-City filed a joint motion to terminate this investigation with respect to eCig-City based on a consent order stipulation and proposed consent order. On December 21, 2020, OUII filed a response supporting the motion.

On December 11, 2020, JLI and All Puff Store filed a joint motion to terminate this investigation with respect to All Puff Store based on a consent order stipulation and proposed consent order. On December 23, 2020, OUII filed a response supporting the motion.

On December 14, 2020, JLI and Wireless filed a joint motion to terminate this investigation with respect to Wireless based on a consent order stipulation and proposed consent order. On December 23, 2020, OUII filed a response supporting the motion.

On February 1, 2021 the ALJ issued the three subject IDs. *See* Order No. 40 (Feb. 1, 2021); Order No. 41 (Feb. 1, 2021); Order No. 42 (Feb. 1, 2021). Each of the subject IDs finds that the respective motion, consent order stipulation, and proposed consent order satisfy the requirements of Commission Rule 210.21(c)(3) and (c)(4) (19 CFR 210.21(c)(3), (c)(4)). The IDs also find that termination of eCig-City, All Puff Store, and Wireless would not be contrary to the public interest.

No party petitioned for review of the subject IDs.

The Commission has determined not to review Order Nos. 40, 41, and 42. eCig-City, All Puff Store, and Wireless are hereby terminated from the investigation. The Commission has issued consent orders to eCig-City, All Puff Store, and Wireless.

The Commission vote for this determination took place on February 16, 2021.

While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the complainant complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

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: