

**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

LIMITED EXCLUSION ORDER

The United States International Trade Commission (“Commission”) has found DripTip Vapes LLC of Plantation, Florida; Shenzhen Haka Flavor Technology Co., Ltd. of Guangdong, China; Shenzhen OCIGA Technology Co., Ltd. of Guangdong, China; and Shenzhen OVNS Technology Co., Ltd. of Guangdong, China (collectively, “the Defaulting Respondents”) in default, pursuant to 19 U.S.C. § 1337(g)(1) and 19 C.F.R. § 210.16, for failing to respond to a Complaint and Notice of Investigation that alleged a violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), in the unlawful importation, sale for importation, or sale within the United States after importation of certain cartridges for nicotine vaporizers and components thereof, such as the mouthpiece, storage compartment, and heater, that infringe one or more of claims 1-3, 5-8, 12, 13, 16-20, and 22 of U.S. Patent No. 10,058,129 (“the ’129 patent”); claims 10, 15, 17, and 29-32 of U.S. Patent No. 10,104,915 (“the ’915 patent”); claims 1-4, 7, 8, 10, and 11 of U.S. Patent No. 10,111,470 (“the ’470 patent”); claims 1-7 and 9-20 of U.S. Patent No. 10,117,465 (“the ’465 patent”); and claims 1, 4-8, 10, 12, 14, and 16-23 of U.S. Patent No. 10,117,466 (“the ’466 patent”).

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, public interest, and bonding. The Commission has determined that the appropriate form of relief includes a limited

exclusion order prohibiting the unlicensed entry of cartridges for nicotine vaporizers and components thereof, such as the mouthpiece, storage compartment, and heater manufactured abroad by or on behalf of, or imported by or on behalf of, the Defaulting Respondents or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns.

The Commission has determined that the public interest factors enumerated in 19 U.S.C. § 1337(g)(1) do not preclude the issuance of the limited exclusion order, and that the bond during the period of Presidential review shall be in the amount of 281 percent of the entered value of the covered articles.

Accordingly, the Commission hereby **ORDERS** that:

1. Cartridges for nicotine vaporizers and components thereof, such as the mouthpiece, storage compartment, and heater, that infringe one or more of claims 1-3, 5-8, 12, 13, 16-20, and 22 of the '129 patent; claims 10, 15, 17, and 29-32 of the '915 patent; claims 1-4, 7, 8, 10, and 11 of the '470 patent; claims 1-7 and 9-20 of the '465 patent; and claims 1, 4-8, 10, 12, 14, and 16-23 of the '466 patent and are manufactured abroad by or on behalf of, or imported by or on behalf of, the Defaulting Respondents, or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns ("covered articles"), are excluded from entry for consumption into the United States, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, for the remaining term(s) of the patent(s), except under license of the patent owner or as provided by law.
2. Notwithstanding paragraph 1 of this Order, covered articles are entitled to entry into the United States for consumption, entry for consumption from a foreign trade zone, or

withdrawal from a warehouse for consumption under bond in the amount of 281 percent of the entered value of the imported products, pursuant to subsection (j) of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337(j)), and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 *Fed. Reg.* 43,251), from the day after this Order is received by the United States Trade Representative until such time as the United States Trade Representative notifies the Commission that this Order is approved or disapproved but, in any event, not later than sixty (60) days after the date of receipt of this Order. All entries of covered articles made pursuant to this paragraph are to be reported to U.S. Customs and Border Protection (“CBP”), in advance of the date of the entry, pursuant to procedures CBP establishes.

3. At the discretion of CBP and pursuant to the procedures it establishes, persons seeking to import cartridges for electronic nicotine delivery systems and components thereof that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraph 1 of this Order. At its discretion, CBP may require persons who have provided the certification described in this paragraph to furnish such records or analyses to substantiate the certification.
4. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to covered articles that are imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.
5. The Commission may modify this Order in accordance with the procedures described in section 210.76 of the Commission’s Rules of Practice and Procedure, 19 C.F.R. § 210.76.

6. The Secretary shall serve copies of this Order upon each party of record in this investigation and upon United States Customs and Border Protection.

7. Notice of this Order shall be published in the Federal Register.

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: April 7, 2020

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **COMMISSION ORDER** has been served via EDIS upon the Commission Investigative Attorney, **Cortney Hoecherl, Esq.**, and the following parties as indicated, on **April 7, 2020**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

On Behalf of Complainant Juul Labs, Inc. :

Daniel E. Yonan, Esq.
STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C.
1100 New York Avenue, N.W.
Washington, DC 20005
Email: dyanon@sternekessler.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Respondent Lizard Juice, LLC:

Ronald J. Ventola II, Esq.
PANITCH SCHWARZE BELISARIO & NADEL LLP
2001 Market St., Suite 2800
Philadelphia, PA 19103
Email: rventola@panitchlaw.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Respondent Vaportronix, LLC

Derek Fahey
The Plus IP Firm
101 NE 3rd Ave., Suite 1500
Fort Lauderdale, FL 33301
Email: derek@plusfirm.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Respondent Vapor 4 Life Holdings, Inc.:

Eric N. Heyer, Esq.
THOMPSON HINE LLP
1919 M Street, NW - Suite 700

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail

CERTAIN CARTRIDGES FOR ELECTRONIC NICOTINE DELIVERY SYSTEMS AND COMPONENTS THEREOF

Inv. No. 337-TA-1195

Certificate of Service – Page 2

Washington, DC 20036
Email: Eric.Heyer@ThompsonHine.com

Other: Email Notification of Availability for Download

On Behalf of Respondent Vape4U, LLC:

Michael N. Cohen, Esq.
COHEN IP LAW GROUP, PC
9025 Wilshire Boulevard, Suite 301
Beverly Hills, CA 90211
Email: mcohen@cohenip.com

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Email Notification of Availability for Download

On Behalf of Respondent Twist Vapor Franchising, LLC:

Eric N. Heyer, Esq.
THOMPSON HINE LLP
1919 M Street, N.W. Suite 700
Washington, DC 20036
Email: Eric.Heyer@thompsonhine.com

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Email Notification of Availability for Download

On Behalf of Respondent Maduro Distributors, Inc.:

David F. Nickel, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
151 N. Nob Hill Rd. #115
Plantation, FL 33324
Email: dnickel@fostermurphy.com

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Email Notification of Availability for Download

On Behalf of Respondents MistHub, LLC, ZLab S.A., Ziip Lab Co., Ltd., Shenzhen Yibo Technology Co., and Vaperz, LLC:

Steven Susser, Esq.
CARLSON, GASKEY AND OLDS, P.C.
400 West Maple Road, Suite 350
Birmingham, MI 48009
Email: ssusser@cgolaw.com

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Email Notification of Availability for Download

On Behalf of Respondent ParallelDirect LLC

Mark H. Izraelewicz, Esq.
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail

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

Inv. No. 337-TA-1195

Certificate of Service – Page 3

Chicago, IL 60606
Email: mizraelewicz@marshallip.com

Other: Email Notification
of Availability for Download

Respondents:

DripTip Vapes LLC
151 N. Nob Hill Rd. #115
Plantation, FL 33324

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

The Electric Tobacconist, LLC
3235 Prairie Avenue
Boulder, CO 80301

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Fuma Vapor, Inc.
605 S. Westgate Rd
Des Plaines, IL 60016

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Lan & Mike International Trading, Inc.
20435 Gramercy Place, Suite 101
Torrance, CA 90501

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Saddam Aburoumi
193 Homestead Street, Unit D3
Manchester, CT 06042

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Sarvasva LLC
D/b/a One Stop Food Mart
32 Church Road
Maple Shade, NJ 08052

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

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

Inv. No. 337-TA-1195

Certificate of Service – Page 4

Shenzhen Haka Flavor Technology Co., Ltd.
4F, Building B, Anjia Industrial Park, Gonghe Industrial Rd,
Shajing Town, Bao'an District,
Shenzhen City, Guangdong, China 518104

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

Shenzhen OCIGA Technology Co., Ltd.
4F, Building B, Anjia Industrial Park, Gonghe Industrial Rd,
Shajing Town, Bao'an District,
Shenzhen City, Guangdong Province, China 518104

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

Shenzhen OVNS Technology Co., Ltd.
6F, North Side Of Xinlong Tech Park,
No. 2, Dawangshan Industrial 1st Road,
Shajing Town, Bao'an District,
Shenzhen, Guangdong, China 518101

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

United Wholesale LLC
73 Linden Street
Glastonbury, CT 06033

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

The ZFO
42 Nichols St., Suite 14,
Spencerport, NY 14559

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

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

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT RESPONDENT Shenzhen OVNS Technology Co., Ltd., 6F, North Side Of Xinlong Tech Park, No. 2, Dawangshan Industrial 1st Road, Shajing Town, Bao'an District, Shenzhen, Guangdong, China 518101 ("Respondent"), cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of certain cartridges for nicotine vaporizers and components thereof, such as the mouthpiece, storage compartment, and heater, that infringe one or more of claims 1-3, 5-8, 12, 13, 16-20, and 22 of U.S. Patent No. 10,058,129 ("the '129 patent"); claims 10, 15, 17, and 29-32 of U.S. Patent No. 10,104,915 ("the '915 patent"); claims 1-4, 7, 8, 10, and 11 of U.S. Patent No. 10,111,470 ("the '470 patent"); claims 1-7 and 9-20 of U.S. Patent No. 10,117,465 ("the '465 patent"); and claims 1, 4-8, 10, 12, 14, and 16-23 of U.S. Patent No. 10,117,466 ("the '466 patent") (collectively, "the Asserted Patents") in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("Section 337").

I.
Definitions

As used in this Order:

- (A) “Commission” shall mean the United States International Trade Commission.
- (B) “Complainant” shall mean Juul Labs, Inc., 560 20th Street, San Francisco, CA 94107.
- (C) “Respondent” shall mean Shenzhen OVNS Technology Co., Ltd., 6F, North Side Of Xinlong Tech Park, No. 2, Dawangshan Industrial 1st Road, Shajing Town, Bao’an District, Shenzhen, Guangdong, China 518101.
- (D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.
- (E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.
- (F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

The term “covered products” shall mean cartridges for nicotine vaporizers and components thereof, such as the mouthpiece, storage compartment, and heater, that infringe one or more of claims 1-3, 5-8, 12, 13, 16-20, and 22 of the ’129 patent; claims 10, 15, 17, and 29-32 of the ’915 patent; claims 1-4, 7, 8, 10, and 11 of the ’470 patent; claims 1-7 and 9-20 of the ’465 patent; and claims 1, 4-8, 10, 12, 14, and 16-23 of the ’446 patent. Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and

assigns, and to each of them, insofar as they are engaging in conduct prohibited by section III, *infra*, for which, or otherwise on behalf of, Respondent.

III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.

For the remaining term of the Asserted Patents, Respondent shall not:

- (A) import or sell for importation into the United States covered products;
- (B) market, distribute, sell, or otherwise transfer (except for exportation) imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV. Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

- (A) in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
- (B) such specific conduct is related to the importation or sale of covered products by or for the United States.

V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this

section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-1141") in a prominent place on the cover pages and/or the first page. *See Handbook for Electronic Filing Procedures*, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf. Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant's counsel.¹

Persons filing written submissions must file the original document electronically on or

¹ Complainant must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with the Order. The designated attorney must be on the protective order entered in this investigation.

before the deadlines stated above. The Commission's paper filing requirements in 19 C.F.R. 210.4(f) are currently waived, pending resolution of the COVID-19 crisis. 85 Fed. Reg. 15798 (March 19, 2020).

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

- (A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.
- (B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

Respondent is ordered and directed to:

- (A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;
- (B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and
- (C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under Section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as

any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 *Fed. Reg.* 43,251 (Jul. 21, 2005)), subject to Respondent's posting of a bond in the amount of 281 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. *See* 19 C.F.R. § 210.68. The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all

parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant's counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: April 7, 2020

² See Footnote 1.

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **COMMISSION ORDER** has been served via EDIS upon the Commission Investigative Attorney, **Cortney Hoecherl, Esq.**, and the following parties as indicated, on **April 7, 2020**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

On Behalf of Complainant Juul Labs, Inc. :

Daniel E. Yonan, Esq.
STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C.
1100 New York Avenue, N.W.
Washington, DC 20005
Email: dyonan@sternekessler.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Respondent Lizard Juice, LLC:

Ronald J. Ventola II, Esq.
PANITCH SCHWARZE BELISARIO & NADEL LLP
2001 Market St., Suite 2800
Philadelphia, PA 19103
Email: rventola@panitchlaw.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Respondent Vaportronix, LLC

Derek Fahey
The Plus IP Firm
101 NE 3rd Ave., Suite 1500
Fort Lauderdale, FL 33301
Email: derek@plusfirm.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Respondent Vapor 4 Life Holdings, Inc.:

Eric N. Heyer, Esq.
THOMPSON HINE LLP
1919 M Street, NW - Suite 700

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail

CERTAIN CARTRIDGES FOR ELECTRONIC NICOTINE DELIVERY SYSTEMS AND COMPONENTS THEREOF

Inv. No. 337-TA-1195

Certificate of Service – Page 2

Washington, DC 20036
Email: Eric.Heyer@ThompsonHine.com

Other: Email Notification of Availability for Download

On Behalf of Respondent Vape4U, LLC:

Michael N. Cohen, Esq.
COHEN IP LAW GROUP, PC
9025 Wilshire Boulevard, Suite 301
Beverly Hills, CA 90211
Email: mcohen@cohenip.com

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Email Notification of Availability for Download

On Behalf of Respondent Twist Vapor Franchising, LLC:

Eric N. Heyer, Esq.
THOMPSON HINE LLP
1919 M Street, N.W. Suite 700
Washington, DC 20036
Email: Eric.Heyer@thompsonhine.com

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Email Notification of Availability for Download

On Behalf of Respondent Maduro Distributors, Inc.:

David F. Nickel, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
151 N. Nob Hill Rd. #115
Plantation, FL 33324
Email: dnickel@fostermurphy.com

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Email Notification of Availability for Download

On Behalf of Respondents MistHub, LLC, ZLab S.A., Ziip Lab Co., Ltd., Shenzhen Yibo Technology Co., and Vaperz, LLC:

Steven Susser, Esq.
CARLSON, GASKEY AND OLDS, P.C.
400 West Maple Road, Suite 350
Birmingham, MI 48009
Email: ssusser@cgolaw.com

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Email Notification of Availability for Download

On Behalf of Respondent ParallelDirect LLC

Mark H. Izraelewicz, Esq.
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail

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

Inv. No. 337-TA-1195

Certificate of Service – Page 3

Chicago, IL 60606
Email: mizraelewicz@marshallip.com

Other: Email Notification
of Availability for Download

Respondents:

DripTip Vapes LLC
151 N. Nob Hill Rd. #115
Plantation, FL 33324

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

The Electric Tobacconist, LLC
3235 Prairie Avenue
Boulder, CO 80301

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Fuma Vapor, Inc.
605 S. Westgate Rd
Des Plaines, IL 60016

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Lan & Mike International Trading, Inc.
20435 Gramercy Place, Suite 101
Torrance, CA 90501

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Saddam Aburoumi
193 Homestead Street, Unit D3
Manchester, CT 06042

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Sarvasva LLC
D/b/a One Stop Food Mart
32 Church Road
Maple Shade, NJ 08052

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

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

Inv. No. 337-TA-1195

Certificate of Service – Page 4

Shenzhen Haka Flavor Technology Co., Ltd.
4F, Building B, Anjia Industrial Park, Gonghe Industrial Rd,
Shajing Town, Bao'an District,
Shenzhen City, Guangdong, China 518104

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

Shenzhen OCIGA Technology Co., Ltd.
4F, Building B, Anjia Industrial Park, Gonghe Industrial Rd,
Shajing Town, Bao'an District,
Shenzhen City, Guangdong Province, China 518104

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

Shenzhen OVNS Technology Co., Ltd.
6F, North Side Of Xinlong Tech Park,
No. 2, Dawangshan Industrial 1st Road,
Shajing Town, Bao'an District,
Shenzhen, Guangdong, China 518101

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

United Wholesale LLC
73 Linden Street
Glastonbury, CT 06033

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

The ZFO
42 Nichols St., Suite 14,
Spencerport, NY 14559

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

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

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT RESPONDENT Shenzhen OCIGA Technology Co., Ltd., 4F-B Building, Anjia Industrial Park, Gonghe Industrial Road, Shajing Town, Bao'an District, Shenzhen, Guangdong, China ("Respondent"), cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of certain cartridges for nicotine vaporizers and components thereof, such as the mouthpiece, storage compartment, and heater, that infringe one or more of claims 1-3, 5-8, 12, 13, 16-20, and 22 of U.S. Patent No. 10,058,129 ("the '129 patent"); claims 10, 15, 17, and 29-32 of U.S. Patent No. 10,104,915 ("the '915 patent"); claims 1-4, 7, 8, 10, and 11 of U.S. Patent No. 10,111,470 ("the '470 patent"); claims 1-7 and 9-20 of U.S. Patent No. 10,117,465 ("the '465 patent"); and claims 1, 4-8, 10, 12, 14, and 16-23 of U.S. Patent No. 10,117,466 ("the '466 patent") (collectively, "the Asserted Patents") in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("Section 337").

I.
Definitions

As used in this Order:

(A) "Commission" shall mean the United States International Trade Commission.

- (B) “Complainant” shall mean Juul Labs, Inc., 560 20th Street, San Francisco, CA 94107.
- (C) “Respondent” shall mean Shenzhen OCIGA Technology Co., Ltd., 4F-B Building, Anjia Industrial Park, Gonghe Industrial Road, Shajing Town, Bao’an District, Shenzhen, Guangdong, China.
- (D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.
- (E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.
- (F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

The term “covered products” shall mean cartridges for nicotine vaporizers and components thereof, such as the mouthpiece, storage compartment, and heater, that infringe one or more of claims 1-3, 5-8, 12, 13, 16-20, and 22 of the ’129 patent; claims 10, 15, 17, and 29-32 of the ’915 patent; claims 1-4, 7, 8, 10, and 11 of the ’470 patent; claims 1-7 and 9-20 of the ’465 patent; and claims 1, 4-8, 10, 12, 14, and 16-23 of the ’446 patent. Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by section III,

infra, for which, or otherwise on behalf of, Respondent.

III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.

For the remaining term of the Asserted Patents, Respondent shall not:

- (A) import or sell for importation into the United States covered products;
- (B) market, distribute, sell, or otherwise transfer (except for exportation) imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV. Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

- (A) in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
- (B) such specific conduct is related to the importation or sale of covered products by or for the United States.

V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this section shall cover the period from the date of issuance of this order through December 31, 2020.

This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-1141") in a prominent place on the cover pages and/or the first page. *See Handbook for Electronic Filing Procedures*, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf. Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant's counsel.¹

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 C.F.R.

¹ Complainant must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with the Order. The designated attorney must be on the protective order entered in this investigation.

210.4(f) are currently waived, pending resolution of the COVID-19 crisis. 85 Fed. Reg. 15798 (March 19, 2020).

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

**VI.
Record-Keeping and Inspection**

- (A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.
- (B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

**VII.
Service of Cease and Desist Order**

Respondent is ordered and directed to:

- (A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;
- (B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and
- (C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under Section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is

in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (*70 Fed. Reg.* 43,251 (Jul. 21, 2005)), subject to Respondent's posting of a bond in the amount of 281 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. *See* 19 C.F.R. § 210.68. The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on

Complainant's counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: April 7, 2020

² See Footnote 1.

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **COMMISSION ORDER** has been served via EDIS upon the Commission Investigative Attorney, **Cortney Hoecherl, Esq.**, and the following parties as indicated, on **April 7, 2020**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

On Behalf of Complainant Juul Labs, Inc. :

Daniel E. Yonan, Esq.
STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C.
1100 New York Avenue, N.W.
Washington, DC 20005
Email: dyanon@sternekessler.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Respondent Lizard Juice, LLC:

Ronald J. Ventola II, Esq.
PANITCH SCHWARZE BELISARIO & NADEL LLP
2001 Market St., Suite 2800
Philadelphia, PA 19103
Email: rventola@panitchlaw.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Respondent Vaportronix, LLC

Derek Fahey
The Plus IP Firm
101 NE 3rd Ave., Suite 1500
Fort Lauderdale, FL 33301
Email: derek@plusfirm.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Respondent Vapor 4 Life Holdings, Inc.:

Eric N. Heyer, Esq.
THOMPSON HINE LLP
1919 M Street, NW - Suite 700

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail

CERTAIN CARTRIDGES FOR ELECTRONIC NICOTINE DELIVERY SYSTEMS AND COMPONENTS THEREOF

Inv. No. 337-TA-1195

Certificate of Service – Page 2

Washington, DC 20036
Email: Eric.Heyer@ThompsonHine.com

Other: Email Notification of Availability for Download

On Behalf of Respondent Vape4U, LLC:

Michael N. Cohen, Esq.
COHEN IP LAW GROUP, PC
9025 Wilshire Boulevard, Suite 301
Beverly Hills, CA 90211
Email: mcohen@cohenip.com

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Email Notification of Availability for Download

On Behalf of Respondent Twist Vapor Franchising, LLC:

Eric N. Heyer, Esq.
THOMPSON HINE LLP
1919 M Street, N.W. Suite 700
Washington, DC 20036
Email: Eric.Heyer@thompsonhine.com

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Email Notification of Availability for Download

On Behalf of Respondent Maduro Distributors, Inc.:

David F. Nickel, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
151 N. Nob Hill Rd. #115
Plantation, FL 33324
Email: dnickel@fostermurphy.com

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Email Notification of Availability for Download

On Behalf of Respondents MistHub, LLC, ZLab S.A., Ziip Lab Co., Ltd., Shenzhen Yibo Technology Co., and Vaperz, LLC:

Steven Susser, Esq.
CARLSON, GASKEY AND OLDS, P.C.
400 West Maple Road, Suite 350
Birmingham, MI 48009
Email: ssusser@cgolaw.com

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Email Notification of Availability for Download

On Behalf of Respondent ParallelDirect LLC

Mark H. Izraelewicz, Esq.
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail

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

Inv. No. 337-TA-1195

Certificate of Service – Page 3

Chicago, IL 60606
Email: mizraelewicz@marshallip.com

Other: Email Notification
of Availability for Download

Respondents:

DripTip Vapes LLC
151 N. Nob Hill Rd. #115
Plantation, FL 33324

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

The Electric Tobacconist, LLC
3235 Prairie Avenue
Boulder, CO 80301

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Fuma Vapor, Inc.
605 S. Westgate Rd
Des Plaines, IL 60016

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Lan & Mike International Trading, Inc.
20435 Gramercy Place, Suite 101
Torrance, CA 90501

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Saddam Aburoumi
193 Homestead Street, Unit D3
Manchester, CT 06042

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Sarvasva LLC
D/b/a One Stop Food Mart
32 Church Road
Maple Shade, NJ 08052

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

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

Inv. No. 337-TA-1195

Certificate of Service – Page 4

Shenzhen Haka Flavor Technology Co., Ltd.
4F, Building B, Anjia Industrial Park, Gonghe Industrial Rd,
Shajing Town, Bao'an District,
Shenzhen City, Guangdong, China 518104

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

Shenzhen OCIGA Technology Co., Ltd.
4F, Building B, Anjia Industrial Park, Gonghe Industrial Rd,
Shajing Town, Bao'an District,
Shenzhen City, Guangdong Province, China 518104

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

Shenzhen OVNS Technology Co., Ltd.
6F, North Side Of Xinlong Tech Park,
No. 2, Dawangshan Industrial 1st Road,
Shajing Town, Bao'an District,
Shenzhen, Guangdong, China 518101

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

United Wholesale LLC
73 Linden Street
Glastonbury, CT 06033

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

The ZFO
42 Nichols St., Suite 14,
Spencerport, NY 14559

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

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

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT RESPONDENT Shenzhen Haka Flavor Technology Co., Ltd., 4F, Building B, Anjia Industrial Park, Gonghe Industrial Road, Shajing Town, Bao'an District, Shenzhen, Guangdong, China ("Respondent"), cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of certain cartridges for nicotine vaporizers and components thereof, such as the mouthpiece, storage compartment, and heater, that infringe one or more of claims 1-3, 5-8, 12, 13, 16-20, and 22 of U.S. Patent No. 10,058,129 ("the '129 patent"); claims 10, 15, 17, and 29-32 of U.S. Patent No. 10,104,915 ("the '915 patent"); claims 1-4, 7, 8, 10, and 11 of U.S. Patent No. 10,111,470 ("the '470 patent"); claims 1-7 and 9-20 of U.S. Patent No. 10,117,465 ("the '465 patent"); and claims 1, 4-8, 10, 12, 14, and 16-23 of U.S. Patent No. 10,117,466 ("the '466 patent") (collectively, "the Asserted Patents") in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("Section 337").

I.
Definitions

As used in this Order:

- (A) "Commission" shall mean the United States International Trade Commission.

- (B) “Complainant” shall mean Juul Labs, Inc., 560 20th Street, San Francisco, CA 94107.
- (C) “Respondent” shall mean Shenzhen Haka Flavor Technology Co., Ltd., 4F, Building B, Anjia Industrial Park, Gonghe Industrial Road, Shajing Town, Bao’an District, Shenzhen, Guangdong, China.
- (D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.
- (E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.
- (F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

The term “covered products” shall mean cartridges for nicotine vaporizers and components thereof, such as the mouthpiece, storage compartment, and heater, that infringe one or more of claims 1-3, 5-8, 12, 13, 16-20, and 22 of the ’129 patent; claims 10, 15, 17, and 29-32 of the ’915 patent; claims 1-4, 7, 8, 10, and 11 of the ’470 patent; claims 1-7 and 9-20 of the ’465 patent; and claims 1, 4-8, 10, 12, 14, and 16-23 of the ’446 patent. Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by section III,

infra, for which, or otherwise on behalf of, Respondent.

III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.

For the remaining term of the Asserted Patents, Respondent shall not:

- (A) import or sell for importation into the United States covered products;
- (B) market, distribute, sell, or otherwise transfer (except for exportation) imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV. Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

- (A) in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
- (B) such specific conduct is related to the importation or sale of covered products by or for the United States.

V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this section shall cover the period from the date of issuance of this order through December 31, 2020.

This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-1141") in a prominent place on the cover pages and/or the first page. *See Handbook for Electronic Filing Procedures*, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf. Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant's counsel.¹

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 C.F.R.

¹ Complainant must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with the Order. The designated attorney must be on the protective order entered in this investigation.

210.4(f) are currently waived, pending resolution of the COVID-19 crisis. 85 Fed. Reg. 15798 (March 19, 2020).

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

**VI.
Record-Keeping and Inspection**

- (A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.
- (B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

**VII.
Service of Cease and Desist Order**

Respondent is ordered and directed to:

- (A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;
- (B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and
- (C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under Section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is

in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (*70 Fed. Reg.* 43,251 (Jul. 21, 2005)), subject to Respondent's posting of a bond in the amount of 281 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. *See* 19 C.F.R. § 210.68. The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on

Complainant's counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: April 7, 2020

² See Footnote 1.

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **COMMISSION ORDER** has been served via EDIS upon the Commission Investigative Attorney, **Cortney Hoecherl, Esq.**, and the following parties as indicated, on **April 7, 2020**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

On Behalf of Complainant Juul Labs, Inc. :

Daniel E. Yonan, Esq.
STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C.
1100 New York Avenue, N.W.
Washington, DC 20005
Email: dyanan@sternekessler.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Respondent Lizard Juice, LLC:

Ronald J. Ventola II, Esq.
PANITCH SCHWARZE BELISARIO & NADEL LLP
2001 Market St., Suite 2800
Philadelphia, PA 19103
Email: rventola@panitchlaw.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Respondent Vaportronix, LLC

Derek Fahey
The Plus IP Firm
101 NE 3rd Ave., Suite 1500
Fort Lauderdale, FL 33301
Email: derek@plusfirm.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Respondent Vapor 4 Life Holdings, Inc.:

Eric N. Heyer, Esq.
THOMPSON HINE LLP
1919 M Street, NW - Suite 700

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail

CERTAIN CARTRIDGES FOR ELECTRONIC NICOTINE DELIVERY SYSTEMS AND COMPONENTS THEREOF

Inv. No. 337-TA-1195

Certificate of Service – Page 2

Washington, DC 20036
Email: Eric.Heyer@ThompsonHine.com

Other: Email Notification of Availability for Download

On Behalf of Respondent Vape4U, LLC:

Michael N. Cohen, Esq.
COHEN IP LAW GROUP, PC
9025 Wilshire Boulevard, Suite 301
Beverly Hills, CA 90211
Email: mcohen@cohenip.com

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Email Notification of Availability for Download

On Behalf of Respondent Twist Vapor Franchising, LLC:

Eric N. Heyer, Esq.
THOMPSON HINE LLP
1919 M Street, N.W. Suite 700
Washington, DC 20036
Email: Eric.Heyer@thompsonhine.com

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Email Notification of Availability for Download

On Behalf of Respondent Maduro Distributors, Inc.:

David F. Nickel, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
151 N. Nob Hill Rd. #115
Plantation, FL 33324
Email: dnickel@fostermurphy.com

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Email Notification of Availability for Download

On Behalf of Respondents MistHub, LLC, ZLab S.A., Ziip Lab Co., Ltd., Shenzhen Yibo Technology Co., and Vaperz, LLC:

Steven Susser, Esq.
CARLSON, GASKEY AND OLDS, P.C.
400 West Maple Road, Suite 350
Birmingham, MI 48009
Email: ssusser@cgolaw.com

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Email Notification of Availability for Download

On Behalf of Respondent ParallelDirect LLC

Mark H. Izraelewicz, Esq.
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail

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

Inv. No. 337-TA-1195

Certificate of Service – Page 3

Chicago, IL 60606
Email: mizraelewicz@marshallip.com

Other: Email Notification
of Availability for Download

Respondents:

DripTip Vapes LLC
151 N. Nob Hill Rd. #115
Plantation, FL 33324

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

The Electric Tobacconist, LLC
3235 Prairie Avenue
Boulder, CO 80301

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Fuma Vapor, Inc.
605 S. Westgate Rd
Des Plaines, IL 60016

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Lan & Mike International Trading, Inc.
20435 Gramercy Place, Suite 101
Torrance, CA 90501

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Saddam Aburoumi
193 Homestead Street, Unit D3
Manchester, CT 06042

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Sarvasva LLC
D/b/a One Stop Food Mart
32 Church Road
Maple Shade, NJ 08052

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

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

Inv. No. 337-TA-1195

Certificate of Service – Page 4

Shenzhen Haka Flavor Technology Co., Ltd.
4F, Building B, Anjia Industrial Park, Gonghe Industrial Rd,
Shajing Town, Bao'an District,
Shenzhen City, Guangdong, China 518104

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

Shenzhen OCIGA Technology Co., Ltd.
4F, Building B, Anjia Industrial Park, Gonghe Industrial Rd,
Shajing Town, Bao'an District,
Shenzhen City, Guangdong Province, China 518104

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

Shenzhen OVNS Technology Co., Ltd.
6F, North Side Of Xinlong Tech Park,
No. 2, Dawangshan Industrial 1st Road,
Shajing Town, Bao'an District,
Shenzhen, Guangdong, China 518101

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

United Wholesale LLC
73 Linden Street
Glastonbury, CT 06033

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

The ZFO
42 Nichols St., Suite 14,
Spencerport, NY 14559

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

**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

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT RESPONDENT DripTip Vapes LLC, 151 North Nob Hill Rd. #115, Plantation, FL 33324 (“Respondent”), cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of certain cartridges for nicotine vaporizers and components thereof, such as the mouthpiece, storage compartment, and heater, that infringe one or more of claims 1-3, 5-8, 12, 13, 16-20, and 22 of U.S. Patent No. 10,058,129 (“the ’129 patent”); claims 10, 15, 17, and 29-32 of U.S. Patent No. 10,104,915 (“the ’915 patent”); claims 1-4, 7, 8, 10, and 11 of U.S. Patent No. 10,111,470 (“the ’470 patent”); claims 1-7 and 9-20 of U.S. Patent No. 10,117,465 (“the ’465 patent”); and claims 1, 4-8, 10, 12, 14, and 16-23 of U.S. Patent No. 10,117,466 (“the ’466 patent”) (collectively, “the Asserted Patents”) in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”).

**I.
Definitions**

As used in this Order:

- (A) “Commission” shall mean the United States International Trade Commission.
- (B) “Complainant” shall mean Juul Labs, Inc., 560 20th Street, San Francisco, CA

94107.

- (C) “Respondent” shall mean DripTip Vapes LLC, 151 North Nob Hill Rd. #115, Plantation, FL 33324.
- (D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.
- (E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.
- (F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

The term “covered products” shall mean cartridges for nicotine vaporizers and components thereof, such as the mouthpiece, storage compartment, and heater, that infringe one or more of claims 1-3, 5-8, 12, 13, 16-20, and 22 of the ’129 patent; claims 10, 15, 17, and 29-32 of the ’915 patent; claims 1-4, 7, 8, 10, and 11 of the ’470 patent; claims 1-7 and 9-20 of the ’465 patent; and claims 1, 4-8, 10, 12, 14, and 16-23 of the ’446 patent. Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by section III, *infra*, for which, or otherwise on behalf of, Respondent.

III.
Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.

For the remaining term of the Asserted Patents, Respondent shall not:

- (A) import or sell for importation into the United States covered products;
- (B) market, distribute, sell, or otherwise transfer (except for exportation) imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV.
Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

- (A) in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
- (B) such specific conduct is related to the importation or sale of covered products by or for the United States.

V.
Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this section shall cover the period from the date of issuance of this order through December 31, 2020.

This reporting requirement shall continue in force until such time as Respondent has truthfully

reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-1141") in a prominent place on the cover pages and/or the first page. *See Handbook for Electronic Filing Procedures*, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant's counsel.¹

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 C.F.R. 210.4(f) are currently waived, pending resolution of the COVID-19 crisis. 85 Fed. Reg. 15798

¹ Complainant must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with the Order. The designated attorney must be on the protective order entered in this investigation.

(March 19, 2020).

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

**VI.
Record-Keeping and Inspection**

- (A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.
- (B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

**VII.
Service of Cease and Desist Order**

Respondent is ordered and directed to:

- (A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this

Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

- (B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and
- (C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under Section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to

provide adequate or timely information.

X. Modification

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (*70 Fed. Reg.* 43,251 (Jul. 21, 2005)), subject to Respondent's posting of a bond in the amount of 281 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. *See* 19 C.F.R. § 210.68. The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties; and (b) Respondent must serve a copy of the bond and accompanying documentation on

Complainant's counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: April 7, 2020

² See Footnote 1.

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **COMMISSION ORDER** has been served via EDIS upon the Commission Investigative Attorney, **Cortney Hoecherl, Esq.**, and the following parties as indicated, on **April 7, 2020**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

On Behalf of Complainant Juul Labs, Inc. :

Daniel E. Yonan, Esq.
STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C.
1100 New York Avenue, N.W.
Washington, DC 20005
Email: dyanon@sternekessler.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Respondent Lizard Juice, LLC:

Ronald J. Ventola II, Esq.
PANITCH SCHWARZE BELISARIO & NADEL LLP
2001 Market St., Suite 2800
Philadelphia, PA 19103
Email: rventola@panitchlaw.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Respondent Vaportronix, LLC

Derek Fahey
The Plus IP Firm
101 NE 3rd Ave., Suite 1500
Fort Lauderdale, FL 33301
Email: derek@plusfirm.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Respondent Vapor 4 Life Holdings, Inc.:

Eric N. Heyer, Esq.
THOMPSON HINE LLP
1919 M Street, NW - Suite 700

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail

CERTAIN CARTRIDGES FOR ELECTRONIC NICOTINE DELIVERY SYSTEMS AND COMPONENTS THEREOF

Inv. No. 337-TA-1195

Certificate of Service – Page 2

Washington, DC 20036
Email: Eric.Heyer@ThompsonHine.com

Other: Email Notification of Availability for Download

On Behalf of Respondent Vape4U, LLC:

Michael N. Cohen, Esq.
COHEN IP LAW GROUP, PC
9025 Wilshire Boulevard, Suite 301
Beverly Hills, CA 90211
Email: mcohen@cohenip.com

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Email Notification of Availability for Download

On Behalf of Respondent Twist Vapor Franchising, LLC:

Eric N. Heyer, Esq.
THOMPSON HINE LLP
1919 M Street, N.W. Suite 700
Washington, DC 20036
Email: Eric.Heyer@thompsonhine.com

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Email Notification of Availability for Download

On Behalf of Respondent Maduro Distributors, Inc.:

David F. Nickel, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
151 N. Nob Hill Rd. #115
Plantation, FL 33324
Email: dnickel@fostermurphy.com

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Email Notification of Availability for Download

On Behalf of Respondents MistHub, LLC, ZLab S.A., Ziip Lab Co., Ltd., Shenzhen Yibo Technology Co., and Vaperz, LLC:

Steven Susser, Esq.
CARLSON, GASKEY AND OLDS, P.C.
400 West Maple Road, Suite 350
Birmingham, MI 48009
Email: ssusser@cgolaw.com

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Email Notification of Availability for Download

On Behalf of Respondent ParallelDirect LLC

Mark H. Izraelewicz, Esq.
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail

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

Inv. No. 337-TA-1195

Certificate of Service – Page 3

Chicago, IL 60606
Email: mizraelewicz@marshallip.com

Other: Email Notification
of Availability for Download

Respondents:

DripTip Vapes LLC
151 N. Nob Hill Rd. #115
Plantation, FL 33324

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

The Electric Tobacconist, LLC
3235 Prairie Avenue
Boulder, CO 80301

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Fuma Vapor, Inc.
605 S. Westgate Rd
Des Plaines, IL 60016

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Lan & Mike International Trading, Inc.
20435 Gramercy Place, Suite 101
Torrance, CA 90501

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Saddam Aburoumi
193 Homestead Street, Unit D3
Manchester, CT 06042

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Sarvasva LLC
D/b/a One Stop Food Mart
32 Church Road
Maple Shade, NJ 08052

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

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

Inv. No. 337-TA-1195

Certificate of Service – Page 4

Shenzhen Haka Flavor Technology Co., Ltd.
4F, Building B, Anjia Industrial Park, Gonghe Industrial Rd,
Shajing Town, Bao'an District,
Shenzhen City, Guangdong, China 518104

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

Shenzhen OCIGA Technology Co., Ltd.
4F, Building B, Anjia Industrial Park, Gonghe Industrial Rd,
Shajing Town, Bao'an District,
Shenzhen City, Guangdong Province, China 518104

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

Shenzhen OVNS Technology Co., Ltd.
6F, North Side Of Xinlong Tech Park,
No. 2, Dawangshan Industrial 1st Road,
Shajing Town, Bao'an District,
Shenzhen, Guangdong, China 518101

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

United Wholesale LLC
73 Linden Street
Glastonbury, CT 06033

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

The ZFO
42 Nichols St., Suite 14,
Spencerport, NY 14559

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants