

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

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

Investigation No. 337-TA-1139

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
TWO INITIAL DETERMINATIONS GRANTING JOINT MOTIONS FOR
PARTIAL TERMINATION OF THE INVESTIGATION AS TO CERTAIN
RESPONDENTS BASED ON SETTLEMENT AGREEMENTS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review two initial determinations (“IDs”) (Order Nos. 38 and 39) of the presiding administrative law judge (“ALJ”) granting joint motions for partial termination of the investigation as to the following respondents based on their entry into settlement agreements: ZLab S.A. of Punta del Este, Maldonado, Uruguay; SS Group Holdings of Shenzhen City, China; Shenzhen Yibo Technology Co., Ltd. of Shenzhen City, China (collectively, “Ziip”); and Vapor 4 Life Holdings, Inc. (“V4L”) of Northbrook, Illinois.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, D.C. 20436, telephone 202-205-2392. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.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 December 13, 2018, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on a complaint filed on behalf of Juul Labs, Inc. (“JLI”) of San Francisco, California. 83 *Fed. Reg.* 64156-57 (Dec. 13, 2018). The complaint, as amended and supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for

importation, and the sale within the United States after importation of certain electronic nicotine delivery systems and components thereof by reason of infringement of certain claims of U.S. Patent Nos.: 10,070,669; 10,076,139; 10,045,568; 10,058,130; and 10,104,915. *Id.* The Commission's notice of investigation names twenty-one respondents, including V4L and Ziip. *Id.*; *see also* Order No. 26 (May 21, 2019), *not reviewed*, Notice (June 14, 2019) (amending the complaint and notice of investigation). The Office of Unfair Import Investigations ("OUII") is also a party to the investigation.

On November 7, 2019, JLI and V4L filed an amended joint motion to terminate the investigation as to V4L based on a settlement agreement. *See* Order No. 38 at 1 (Nov. 19, 2019). On November 8, 2019, JLI and Ziip filed a joint motion to terminate the investigation as to Ziip based on a settlement agreement. *See* Order No. 39 at 1 (Nov. 19, 2019). OUII filed responses in support of both motions. No other responses were filed.

On November 19, 2019, the ALJ issued the subject IDs granting the joint motions. *See* Order No. 38 at 2; Order No. 39 at 2. The IDs found that the motions included redacted and unredacted copies of the settlement agreements and complied with Commission Rule 210.21(b). *See* Order No. 38 at 1-2; Order No. 39 at 1-2. Further, the IDs found no evidence that terminating the investigation as to V4L and Ziip based on the settlement agreements would be contrary to the public interest. *See* Order No. 38 at 2; Order No. 39 at 2.

No petition for review of the subject IDs was filed. The Commission has determined not to review the subject IDs.

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: December 16, 2019