

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 AN INITIAL
DETERMINATION FINDING CERTAIN RESPONDENTS IN DEFAULT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 35) finding respondents 101 Smoke Shop, Inc. of Los Angeles, California; Eon Pods LLC of Jersey City, New Jersey; Jem Pods, U.S.A. of Snellville, Georgia; Vapers & Papers, LLC of Schenectady, New York; Sky Distribution LLC of Addison, Illinois; and Guangdong Cellular Workshop Electronic Technology Co., Ltd. of Guangdong, China (collectively, “the Defaulting Respondents”) in default.

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 (“NOI”) names forty-nine (49) respondents, including the Defaulting Respondents. *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party. *See id.*

The complaint and NOI were served on 101 Smoke Shop, Inc., Eon Pods LLC, Jem Pods, U.S.A., Vapers & Papers, LLC, and Sky Distribution LLC. Guangdong Cellular Workshop

Electronic Technology Co., Ltd. refused to accept service from JLI's process server. The Defaulting Respondents did not respond to the complaint or NOI.

On October 15, 2020, JLI filed a motion pursuant to Commission Rule 210.16 (19 CFR 210.16) for: (1) an order directing the Defaulting Respondents to show cause as to why they should not be found in default for failing to respond to the complaint and NOI; and (2) an ID that finds the Defaulting Respondents in default upon their failure to show cause. On October 26, 2020, OUII filed a response in support of the motion. No other responses to the motion were filed.

On October 30, 2020, the presiding administrative law judge ("ALJ") issued Order No. 24 requiring the Defaulting Respondents to show cause as to why they should not be found in default for failing to respond to the Complaint and the NOI within 14 days of that Order. *See* Order No. 24 (Oct. 30, 2020). None of the Defaulting Respondents responded to the order to show cause.

On December 17, 2020, the ALJ issued the subject ID (Order No. 35) finding the Defaulting Respondents in default pursuant to Commission Rule 210.16 (19 CFR 210.16) for failure to respond to the complaint, NOI, and order to show cause. *See* ID at 1-2. No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID.

The Commission vote for this determination took place on January 5, 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: January 5, 2021