

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 TWO INITIAL
DETERMINATIONS TERMINATING THE INVESTIGATION AS TO CERTAIN
RESPONDENTS BASED ON CONSENT ORDER STIPULATIONS; ISSUANCE OF
TWO CONSENT ORDERS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review two initial determinations (“IDs”) (Order Nos. 53 and 54) granting joint motions to terminate respondents Cigar Road, Inc. of Woodland Hills, California (“Cigar Road”) and Nilkant 167, Inc. of Boston, Massachusetts (“Nilkant”), respectively, in the above-captioned investigation based on consent order stipulations. The Commission has issued two consent orders.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3228. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On August 14, 2020, the Commission instituted this investigation based on a complaint, as supplemented, filed on behalf of Juul Labs, Inc. (“JLI”) of San Francisco, California. 85 FR 49679 (Aug. 14, 2020). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain vaporizer cartridges and components thereof by reason of infringement of U.S. Design Patent Nos. D842,536; D858,870; D858,869; and D858,868. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission’s notice of investigation names forty-nine (49) respondents, including Cigar Road and Nilkant. *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

On January 26, 2021, JLI and Cigar Road filed a joint motion to terminate this investigation with respect to Cigar Road based on a consent order stipulation and proposed consent order. On February 4, 2021, OUII filed a response supporting the motion.

On January 28, 2021, JLI and Nilkant filed a joint motion to terminate this investigation with respect to Nilkant based on a consent order stipulation and proposed consent order. On February 8, 2021, OUII filed a response supporting the motion.

On February 17, 2021 the ALJ issued the two subject IDs. *See* Order No. 53 (Feb. 17, 2021); Order No. 54 (Feb. 17, 2021). Each of the subject IDs finds that the respective motion, consent order stipulation, and proposed consent order satisfy the requirements of Commission Rules 210.21(c)(3) and (c)(4) (19 CFR 210.21(c)(3), (c)(4)). The IDs also find that termination of Cigar Road and Nilkant would not be contrary to the public interest.

No party petitioned for review of the subject IDs.

The Commission has determined not to review Order Nos. 53 and 54. Cigar Road and Nilkant are hereby terminated from the investigation. The Commission has issued consent orders to Cigar Road and Nilkant.

The Commission vote for this determination took place on March 15, 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: March 15, 2021