

**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 TERMINATING THE INVESTIGATION AS TO CANAL  
SMOKE EXPRESS BASED ON A CONSENT ORDER; ISSUANCE OF A CONSENT  
ORDER**

**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. 60) granting a joint motion to terminate respondent Canal Smoke Express of New York, NY in the above-captioned investigation based on a consent order. Canal Smoke Express is terminated from the investigation. The Commission has issued a consent order to Canal Smoke Express.

**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](mailto: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 Canal Smoke Express. *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

On March 1, 2021, JLI and Canal Smoke Express filed a joint motion to terminate this investigation with respect to Canal Smoke Express based on a consent order stipulation and proposed consent order. On March 11, 2021, OUII filed a response supporting the motion.

On April 9, 2021 the ALJ issued the subject ID. *See* Order No. 60 (April 9, 2021). The subject ID finds that the joint 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)). *Id.* The ID also finds that termination of Canal Smoke Express would not be contrary to the public interest. *Id.*

No party petitioned for review of the subject ID.

The Commission has determined not to review Order No. 60. Canal Smoke Express is hereby terminated from the investigation. The Commission has issued a consent order to Canal Smoke Express.

The Commission vote for this determination took place on April 22, 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: April 22, 2021