

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN OIL-VAPING CARTRIDGES,
COMPONENTS THEREOF, AND PRODUCTS
CONTAINING THE SAME**

Investigation No. 337-TA-1286

**NOTICE OF COMMISSION DECISION 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 has determined not to review an initial determination (“ID”) (Order No. 42) of the presiding Chief Administrative Law Judge (“Chief ALJ”) finding respondents Cartridgesforsale.com of Ypsilanti, Michigan; HW Supply, LLC of Ypsilanti, Michigan; Obsidian Supply, Inc. of Irvine, California; BulkCarts.com of Canton, Michigan; and Greenwave Naturals LLC of Austin, Texas (collectively, “Defaulting Respondents”) in default.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2392. 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 November 10, 2021, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by Shenzhen Smoore Technology Limited of China (“Complainant”). *See* 86 FR 62567-68 (Nov. 10, 2021). The complaint, as supplemented, alleges a violation 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 oil-vaping cartridges, components thereof, and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 10,357,623; 10,791,763; and 10,791,762; and U.S. Registered Trademark No. 5,633,060. *See id.* In addition to the Defaulting Respondents, the notice of investigation names the following respondents: BBTank USA, LLC of Lambertville, Michigan; Glo Extracts of Los Angeles, California; Bold Crafts, LLC d/b/a Bold Carts and BoldCarts.com of Tempe, Arizona; Bold Crafts, LLC d/b/a Bold Carts and BoldCarts.com of Irvine, California;

The Blinc Group Inc. of New York, New York; Jonathan Ray Carfield, d/b/a AlderEgo Wholesale, AlderEgo Holdings, Inc. and AlderEgo Group, Limited a/k/a AVD Holdings Limited of Guangdong, China; Hanna Carfield of Tacoma, Washington; Next Level Ventures, LLC of Seattle, Washington; Advanced Vapor Devices, LLC of Los Angeles, California; avd710.com of Seattle, Washington; AlderEgo Group Limited of Hong Kong; A&A Global Imports, Inc. d/b/a Marijuana Packaging of Vernon, California; Bulk Natural, LLC d/b/a True Terpenes of Portland, Oregon; Brand King, LLC of Sacramento, California; ZTCSSMOKE USA Inc. of Niceville, Florida; headcandysmoke.com, of Richmond, Canada; Head Candy Enterprise Ltd. of Vancouver, Canada; Greentank Technologies Corp. of Toronto, Canada; Cannary Packaging Inc. of Kelowna, Canada; Cannary LA of Signal Hill, California; dcalchemy.com and DC Alchemy, LLC of Phoenix, Arizona; International Vapor Group, LLC of Miami Lakes, Florida; Ygreeninc.com and Ygreen Inc. of Walnut, California; Atmos Nation LLC of Davie, Florida; shopbv.com and Best Value Vacs, LLC of Naperville, Illinois; Royalsupplywholesale.com, Customcanabisbranding.com, and CLK Global, Inc. of San Francisco, California; iKrusher.com of Arcadia, California; and The Calico Group Inc. of Austin, Texas. *See id.*, as amended, 87 FR 16765 (Mar. 24, 2022). The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

On February 18, 2022, Complainant filed a motion pursuant to Commission Rule 210.16 (19 CFR 210.16) for an order directing the Defaulting Respondents to show cause why they should not be found in default for failing to respond to the complaint and notice of investigation. On March 3, 2022, OUII filed a response in support of the motion.

On July 28, 2022, the Chief ALJ issued Order No. 38 requiring the Defaulting Respondents to show cause by August 10, 2022, as to why they should not be held in default for failing to respond to the complaint and notice of investigation. The Chief ALJ found that “the Defaulting Respondents have received actual notice or constructive notice of the complaint and notice of investigation.” *See* Order No. 38 at 5. On November 2, 2022, the Chief ALJ issued Order No. 40 extending until November 16, 2022, the deadline for the Defaulting Respondents to respond to the order to show cause (Order No. 40). *See* Order No. 40 at 2. No response was received from the Defaulting Respondents.

On January 23, 2023, the Chief ALJ issued the subject ID (Order No. 42) finding the Defaulting Respondents in default pursuant to Commission Rule 210.16, for failure to respond to the complaint, notice of investigation, and order to show cause (Order No. 40). The ID also finds that the Defaulting Respondents received actual or constructive notice of Order No. 40 before the response deadline of November 16, 2022.

No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. Respondents Cartridgesforsale.com; HW Supply, LLC; Obsidian Supply, Inc.; BulkCarts.com; and Greenwave Naturals LLC have been found in default.

The Commission’s vote for this determination took place on February 14, 2023.

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).

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(s) 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).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'L.R. Barton', enclosed within a circular scribble.

Lisa R. Barton
Secretary to the Commission

Issued: February 14, 2023