

**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 A COMMISSION DETERMINATION TO REVIEW AND, ON REVIEW,
TO AFFIRM WITH MODIFICATIONS AN INITIAL DETERMINATION
TERMINATING THE INVESTIGATION AS TO RESPONDENTS YGREEN INC. AND
YGREENINC.COM BASED ON A CONSENT ORDER STIPULATION;
ISSUANCE OF CONSENT ORDER**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review an initial determination (“ID”) (Order No. 15) of the presiding administrative law judge (“ALJ”) terminating the investigation with respect to respondents Ygreen Inc. and ygreeninc.com (collectively, “Ygreen”) based on a consent order stipulation. On review, the Commission has determined to affirm the ID with modifications and enter a consent order against Ygreen.

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 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: The Commission instituted this investigation on November 10, 2021, based on a complaint filed on behalf of Shenzhen Smoore Technology Limited (“Smoore”) of China. 86 FR 62567-69 (Nov. 10, 2021). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or 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 (“the ’623 patent”); 10,791,763 (“the ’763 patent”); 10,791,762 (“the ’762 patent”);

and U.S. Registered Trademark No. 5,633,060 (“the Asserted Trademark”). *Id.* at 62567-68. The complaint further alleges that a domestic industry exists. *Id.* at 62568. The Commission’s notice of investigation named numerous respondents including Ygreen Inc. and ygreeninc.com of Walnut, CA. *Id.* at 62568. The Office of Unfair Import Investigations (“OUII”) is also named as a party in this investigation. *Id.*

On December 17, 2021, complainant Smoore and respondent Ygreen filed a joint motion to terminate the investigation with respect to Ygreen based upon a consent order stipulation. The motion included a consent order stipulation and a proposed consent order. OUII filed a response supporting the motion. No other party responded to the motion.

On January 10, 2022, the ALJ issued the subject ID (Order No. 15) terminating the investigation with respect to Ygreen based on the entry of a consent order. The ID found that the consent order stipulation and proposed consent order complied with Commission Rule 210.21(c)(3) and (4) (19 CFR 210.21(c)(3) and (4)). *See* Order No. 15 at 2 (Jan. 10, 2022). The ID also found that termination of the investigation with respect to Ygreen would not be contrary to the public interest. *See id.* at 2-3.

On January 18, 2022, OUII filed a petition for review of the ID. OUII observed that “certain paragraphs of the proposed consent order incorrectly contain references to intellectual property rights that have not been asserted against the Ygreen Respondents in this Investigation.” OUII Petition at 1 (citing ID, Ex. B at ¶¶ C, D, K., L, and M).

The Commission has determined to review the subject ID. On review, the Commission determines the parties’ proposed consent order improperly includes references to the Asserted Trademark and the ’763 patent. *See* ID, Ex. B at ¶¶ C, D, K., L, and M. The Commission has determined to issue a consent order against Ygreen. The consent order references only asserted claims 1, 2, 3, 5, and 6 of the ’623 patent and claims 1, 2, and 7 of the ’762 patent. Respondent Ygreen is hereby terminated from the investigation.

The Commission vote for this determination took place on February 4, 2022.

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: February 4, 2022