

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

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
EXTEND THE TARGET DATE**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined to extend the target date for this investigation until July 13, 2023.

FOR FURTHER INFORMATION CONTACT: Paul Lall, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2043. 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 based on a complaint filed by Shenzhen Smoore Technology Limited (“Smoore” or “Complainant”) of Shenzhen, China. 86 FR 62567-69 (Nov. 10, 2021). The complaint alleged violations of section 337 based on 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 one or more of claims 1-3, 5, and 6 of U.S. Patent No. 10,357,623 (“the ’623 patent”); claims 1, 2, and 7 of U.S. Patent No. 10,791,762 (“the ’762 patent”); claims 1 and 11 of U.S. Patent No. 10,791,763 (“the ’763 patent”); and U.S. Registered Trademark No. 5,633,060 (“the ’060 mark”). *Id.*

The Commission’s notice of investigation named the following entities as respondents: BBTank USA, LLC (“BBTank”) of Lambertville, Michigan; Glo Extracts of Los Angeles, California; BulkCarts.com of Canton, Michigan; Greenwave Naturals LLC of Austin, Texas;

BoldCarts.com of Tempe, Arizona; Bold Crafts, Inc. of Irvine, California; Blinc Group Holdings, LLC of New York, New York; Jonathan Ray Carfield (“Jonathan Carfield”), d/b/a AlderEgo Wholesale, AlderEgo Holdings, Inc. and AlderEgo Group, Limited a/k/a AVD Holdings Limited of Guangdong, China; Hanna Carfield (“Hanna Carfield”) of Tacoma, Washington; Next Level Ventures, LLC (“Next Level Ventures”) of Seattle, Washington; Advanced Vapor Devices, LLC (“AVD”) of Los Angeles, California; avd710.com (“avd710.com”) of Seattle, Washington; AlderEgo Group Limited (“AEG”) of Hong Kong; A&A Global Imports, Inc. (“A&A Global”) of Vernon, California; Bulk Natural, LLC (“Bulk Natural”) of Portland Oregon; Brand King, LLC (“Brand King”) of Sacramento, California; ZTCSSMOKE USA Inc. (“ZTCSSMOKE”) of Niceville, Florida; headcandysmoke.com and Head Candy Enterprise Ltd. (together “Head Candy”) both of Canada; Green Tank Technologies Corp. of Canada; Canary Packaging Inc (“Canary Packaging”) of Canada; Canary LA (“Canary LA”) of Signal Hill, California; dcalchemy.com and DC Alchemy, LLC (together “Alchemy”) both of Phoenix, Arizona; Cartridgesforsale.com of Ypsilanti, Michigan; HW Supply, LLC of Ypsilanti, Michigan; International Vapor Group, LLC (“International Vapor”) of Miami Lakes, Florida; Obsidian Supply, Inc. of Irvine, California; Ygreeninc.com and Ygreen Inc. (together (“Ygreen”) both of Walnut, California; Atmos Nation LLC (“Atmos”) of Davie, Florida; shopbv.com of Naperville, Illinois; Best Value Vacs, LLC (“Best Value Vacs”) of Naperville, Illinois; Royalsupplywholesale.com (“Royalsupplywholesale”) of San Francisco, California; Customcanabisbranding.com (“Customcanabisbranding”) of San Francisco, California; CLK Global, Inc. (“CLK”) of San Francisco, California; iKrusher, Inc., d/b/a iKrusher.com, of Arcadia, California (“iKrusher”); and The Calico Group Inc. of Austin, Texas. The Office of Unfair Import Investigations (“OUII”) was also named as a party in this investigation. *Id.*

On December 16, 2021, the Chief Administrative Law Judge (“CALJ”) issued an initial determination (“ID”) granting a motion to terminate the investigation as to Head Candy based upon a consent order. Order No. 9 (Dec. 16, 2021), *unreviewed by* Comm’n Notice (Jan. 10, 2022). On December 20, 2021, the CALJ issued an ID granting a motion to terminate the investigation as to ZTCSSMOKE based upon a consent order. Order No. 10 (Dec. 20, 2021), *unreviewed by* Comm’n Notice (Jan. 11, 2022). On December 21, 2021, the CALJ issued IDs granting motions to terminate the investigation as to Alchemy, CLK, Royalsupplywholesale, and Customcanabisbranding based upon consent orders. Order Nos. 12 and 13 (Dec. 21, 2021), *unreviewed by* Comm’n Notice (Jan. 11, 2022). On January 10, 2022, the CALJ issued an ID granting a motion to terminate the investigation as to Ygreen based upon a consent order. Order No. 15 (Jan. 10, 2022), *unreviewed by* Comm’n Notice (Feb. 4, 2022). On January 18, 2022, the CALJ issued IDs granting motions to terminate the investigation as to Canary Packaging and Canary LA based upon consent orders. Order Nos. 16 and 17 (Jan. 18, 2022), *unreviewed by* Comm’n Notice (Feb. 15, 2022).

On January 21, 2022, the CALJ issued an ID granting a motion to terminate the investigation as to International Vapor based upon withdrawal of allegations in the complaint as to International Vapor. Order No. 17 (Jan. 21, 2022), *unreviewed by* Comm’n Notice (Feb. 15, 2022). On February 23, 2022, the CALJ issued an ID granting a motion to (1) amend the complaint and notice of investigation to change the name of Respondents BoldCarts.com and Bold Crafts, Inc. to Bold Crafts, LLC d/b/a Bold Carts and BoldCarts.com (“Bold Crafts”); (2) amend the complaint and notice of investigation to change the name of Respondent Green Tank

Technologies Corp. to Greentank Technologies Corp. (“Greentank”); (3) amend the complaint and notice of investigation to change the name of Respondent Blinc Group Holdings, LLC to The Blinc Group Inc.; and (4) terminate the investigation as to BBTank based upon withdrawal of allegations in the complaint as to BBTank. Order No. 20 (Feb. 23, 2022), *unreviewed by* Comm’n Notice (Mar. 18, 2022).

On June 7, 2022, the CALJ issued an ID granting a motion to terminate the investigation as to Best Value Vacs and shopbv.com based upon settlement. Order No. 29 (June 7, 2022), *unreviewed by* Comm’n Notice (June 22, 2022). On July 5, 2022, the CALJ issued IDs granting motions to terminate the investigation as to Atmos, AEG, Hanna Carfield, and Jonathan Carfield based upon settlement. Order Nos. 33 and 34 (July 5, 2022), *unreviewed by* Comm’n Notice (Aug. 2, 2022).

The CALJ held an evidentiary hearing from August 1-August 5, 2022 and received post-hearing briefs thereafter.

On January 23, 2023, the CALJ issued an ID finding the following respondents in default: Cartridgesforsale.com; HW Supply, LLC; Obsidian Supply, Inc.; BulkCarts.com; and Greenwave Naturals LLC. Order No. 42 (Jan. 23, 2023), *unreviewed by* Comm’n Notice (Feb. 14, 2023). The CALJ declined to find respondent Glo Extracts in default because he found that Glo Extracts was not properly served with the show-cause order. ID at 8.

On January 31, 2023, the CALJ issued an ID granting a motion to terminate the investigation as to The Calico group based upon settlement and a consent order. Order No. 46 (Jan. 31, 2023), *unreviewed by* Comm’n Notice (Mar. 3, 2023). Non defaulting respondents remaining in the investigation are: The Blinc Group Inc.; Bold Crafts; Greentank; iKrusher; Next Level Ventures; AVD; avd710.com; Bulk Natural; Brand King; and A&A Global (collectively, the “Respondents”).

On February 1, 2023, the CALJ issued the final ID finding no violation of section 337.

On February 13, 2023, Smoore filed a petition for review of the ID and Respondents filed a contingent petition for review of the ID. On February 21, 2023, the parties, including OUII, filed responses to the petitions.

On April 24, 2023, the Commission issued a notice of its determination finding no violation of section 337 as to the asserted patent claims. *See* 88 Fed. Reg. 26332-35 (April 28, 2023). The Commission also determined to review all findings and orders as to Glo Extracts and requested briefing from the parties on whether Smoore has been able to serve Glo Extracts with the Amended Complaint and Notice of Investigation, Smoore’s motion for summary determination, and any of the Orders from this investigation, including the ALJ’s show-cause order. *Id.* at 26332. The Commission requested written submissions from the parties on the issue under review, and requested briefing from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding. *Id.* at 26334-35.

On May 8, 2023, Smoore and OUII each filed briefs in response to the Commission's notice. On May 15, 2023, Smoore filed a reply brief.

On June 1, 2023, the Commission determined to extend the target date for this investigation from June 1 to June 26, 2023.

The Commission has determined to extend the target date for this investigation from June 26, 2023 to July 13, 2023.

The Commission vote for this determination took place on June 26, 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).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: June 26, 2023