

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN VAPORIZER DEVICES,
CARTRIDGES USED THEREWITH, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1368

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION EXTENDING THE TARGET DATE**

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. 30) of the presiding administrative law judge (“ALJ”) extending the target date for completion of this investigation to December 23, 2024.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3179. 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, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 7, 2023, based on a complaint filed by JUUL Labs, Inc. of Washington, D.C. and VMR Products LLC of San Francisco, California (together, “JLI”). 88 FR 52207 (Aug. 7, 2023). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain vaporizer devices, cartridges used therewith, and components thereof by reason of infringement of certain claims of U.S. Patent Nos. RE49,114 (“the ’114 patent”), 10,130,123 (“the ’123 patent”), 10,709,173 (“the ’173 patent”), 11,134,722 (“the ’722 patent”), and 11,606,981 (“the ’981 patent”). *Id.* The complaint further alleges that a domestic industry exists. *Id.*

The notice of investigation named five respondents: (1) NJOY, LLC of Phoenix, Arizona; (2) NJOY Holdings, Inc. of Scottsdale, Arizona; (3) Altria Group, Inc. of Richmond, Virginia; (4) Altria Group Distribution Company of Richmond, Virginia; and (5) Altria Client Services LLC of Richmond, Virginia. *Id.* The Office of Unfair Import Investigations is also named as a party. *Id.*

On April 3, 2024, the Commission terminated the investigation as to the following asserted claims based on withdrawal of the complaint: (i) claims 1, 5-7, 29, 30, 36, 80, 89, and 93 of the '114 patent; (ii) claims 16, 18, 29, and 31 of the '123 patent; (iii) claims 3, 8, 14, and 17 of the '722 patent; and (iv) claims 6, 9-11, 17, and 18 of the '981 patent. Order No. 18 (Mar. 6, 2024), *unreviewed by Comm'n Notice* (Apr. 3, 2024).

On April 26, 2024, the Commission terminated the investigation as to the following asserted claims based on withdrawal of the complaint: (i) claims 43, 44, 76, 77, 81, and 86 (all remaining claims) of the '114 patent, thus terminating the '114 patent in its entirety; (ii) claim 14 of the '123 patent; (iii) claims 2, 3, 6, 7, 15, 16, 18-25, 28, and 30 of the '173 patent; (iv) claims 5, 7, 9-13, 16, and 18-21 of the '722 patent; and (v) claims 2, 5, and 13-16 of the '981 patent. Order No. 21 (Apr. 2, 2024), *unreviewed by Comm'n Notice* (Apr. 26, 2024).

On June 18, 2024, the Commission granted summary determination that JLI has satisfied the economic prong of the domestic industry requirement as to the remaining asserted patents—*i.e.*, the '123, '173, '722, and '981 patents. Order No. 22 (Apr. 3, 2024), *aff'd by Comm'n Notice* (June 20, 2024).

On August 8, 2024, the ALJ issued the subject ID (Order No. 30), pursuant to Commission Rule 210.51(a)(1), 19 CFR 210.51(a)(1), extending the target date for completion of this investigation to December 23, 2024. The ID explains that there is good cause for this extension because the additional time will provide the ALJ “adequate time to draft the final initial determination while also attending to [her] responsibilities in other investigations.” ID at 1. No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID. The target date for completion of this investigation is set for December 23, 2024, and the deadline for issuing the final ID is August 23, 2024.

The Commission vote for this determination took place on August 22, 2024.

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: August 22, 2024