

**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-1372**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING AN UNOPPOSED MOTION TO TERMINATE THE  
INVESTIGATION AS TO CERTAIN ASSERTED PATENT CLAIMS**

**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. 44) of the presiding administrative law judge (“ALJ”) granting an unopposed motion to terminate the investigation as to certain asserted patent claims.

**FOR FURTHER INFORMATION CONTACT:** Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3042. 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, telephone (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** On September 26, 2023, the Commission instituted this investigation based on a complaint filed by NJOY, LLC of Scottsdale, Arizona (“NJOY”). 88 FR 66050-51 (Sept. 26, 2023). 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 vaporizer devices, cartridges used therewith, and components thereof by reason of infringement of one or more of claims 1-48 of U.S. Patent No. 11,497,864 (“the ’864 patent”) and claims 1, 3, 4, 6-9, 11, 12, 14-17, 19, 20, 22, 23, and 25-27 of U.S. Patent No. 10,334,881 (“the ’881 patent”). The Commission’s notice of investigation named JUUL Labs, Inc. of Washington, DC (“JUUL”) as the sole respondent. *Id.* The Office of Unfair Import Investigations (“OUII”) was named as a party in the investigation. *Id.*

On April 26, 2024, NJOY moved to terminate the investigation as to (1) claims 2-18, 20-25, and 27 of the '881 patent and (2) claims 1, 3-8, 11, 14, 17-19, 21-25, and 27-48 of the '864 patent. NJOY stated that JUUL and OUII do not oppose the motion.

On April 30, 2024, the ALJ issued the subject ID (Order No. 44) granting NJOY's unopposed motion. The ID stated that Commission Rule 210.21(a)(1) permits partial termination of an investigation based on withdrawal of allegations in a complaint and that absent extraordinary circumstances, such a termination will be granted. ID at 2. The ID found that in compliance with Commission Rule 210.21(a)(1), NJOY states that "there are no agreements, written or oral, express or implied between the parties concerning the subject matter of this investigation." ID at 2. The ID granted the motion, finding that "there are no extraordinary circumstances that warrant denying NJOY's motion and that the motion otherwise complies with Commission Rule 210.21(a)(1)." *Id.* at 2-3. No one petitioned for review of the ID.

The Commission has determined not to review the subject ID. The investigation is hereby terminated as to (1) claims 2-18, 20-25, and 27 of the '881 patent and (2) claims 1, 3-8, 11, 14, 17-19, 21-25, and 27-48 of the '864 patent.

The Commission vote for this determination took place on May 20, 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.



Lisa R. Barton  
Secretary to the Commission

Issued: May 20, 2024