

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

In the Matter of

**CERTAIN DISPOSABLE VAPORIZER
DEVICES AND COMPONENTS AND
PACKAGING THEREOF**

Investigation No. 337-TA-1381

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING COMPLAINANTS'
UNOPPOSED MOTION TO TERMINATE THE INVESTIGATION
AS TO SHENZHEN NORIYANG TECHNOLOGY CO., LTD.**

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. 15) issued by the chief administrative law judge (“CALJ”) granting complainants’ unopposed motion to terminate the above-captioned investigation as to respondent Shenzhen Noriyang Technology Co., Ltd. (“Shenzhen Noriyang”) based on withdrawal of the complaint as to Shenzhen Noriyang. Shenzhen Noriyang is terminated from the investigation.

FOR FURTHER INFORMATION CONTACT: Joelle Justus, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 617-1998. 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: On December 20, 2023, the Commission instituted this investigation based on a complaint filed by of complainants R.J. Reynolds Tobacco Company and R.J. Reynolds Vapor Company (collectively “Complainants” or “R.J. Reynolds”). 88 FR 88111-12 (Dec. 20, 2023). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, and the sale of certain disposable vaporizer devices and components and packaging thereof by reason false advertising, false designation of origin, and unfair competition, the threat or effect of which is to destroy or substantially injure an industry in the United States. The Commission’s notice of investigation named the following twenty-five (25) respondents: Shenzhen Noriyang of Shenzhen, Guangdong Province, China; Affiliated Imports, LLC of Pflugerville, TX; American

Vape Company, LLC a/k/a American Vapor Company, LLC of Pflugerville, TX; Breeze Smoke, LLC of West Bloomfield, MI; Dongguan (Shenzhen) Shikai Technology Co., Ltd. of Guangdong, China; EVO Brands, LLC of Wilmington, DE; Flawless Vape Shop Inc. of Anaheim, CA; Flawless Vape Wholesale & Distribution Inc. of Anaheim, CA; Guangdong Qisitech Co., Ltd. of Guangdong Province, China; iMiracle (Shenzhen) Technology Co. Ltd. of Shenzhen, China; Magellan Technology Inc. of Buffalo, NY; Pastel Cartel, LLC of Pflugerville, TX; Price Point Distributors Inc. d/b/a Prince Point NY of Farmingdale, NY; PVG2, LLC of Wilmington, DE; Shenzhen Daosen Vaping Technology Co., Ltd. of Shenzhen, China; Shenzhen Fumot Technology Co., Ltd. of Shenzhen, China; Shenzhen Funyin Electronic Co., Ltd. of Guangdong, China; Shenzhen Han Technology Co., Ltd. of Shenzhen, Guangdong, China; Shenzhen Innokin Technology Co., Ltd., of Shenzhen, China; Shenzhen IVPS Technology Co., Ltd. of Shenzhen, Guangdong, China; Shenzhen Weiboli Technology Co. Ltd. of Shenzhen, China; SV3 LLC d/b/a Mi-One Brands of Phoenix, AZ; Thesy, LLC d/b/a Element Vape of El Monte, CA; Vapeonly Technology Co. Ltd. of Shenzhen, China; and VICA Trading Inc. d/b/a Vapesourcing of Tustin, CA. *Id.* The Office of Unfair Import Investigations (“OUII”) was also named as a party in this investigation. *Id.*

On March 15, 2024, R.J. Reynolds filed a motion to partially terminate the investigation as to Shenzhen Noriyang based on the withdrawal of the complaint as to Shenzhen Noriyang. *See* Motion No. 1381-011. R.J. Reynolds indicated that the respondents participating in the investigation did not oppose the motion. *Id.* at 1. On March 27, 2024, OUII filed a response in support of the motion. No other response to the motion was received.

On March 28, 2024, the CALJ issued the subject ID (Order No. 15) pursuant to Commission Rule 210.21(a) (19 CFR 210.21(a)), granting the motion. The ID notes the motion was made before the issuance of any initial determination on violation of section 337 in this investigation. ID at 2. In addition, the ID notes that “[t]he motion states ‘that there are no agreements, written or oral, express or implied, between Complainants and Shenzhen Noriyang concerning the subject matter of this Investigation.’” *Id.* 2. Furthermore, the ID finds no “extraordinary circumstances” that would warrant denying the motion. *See id.*

No party filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID. The investigation is hereby terminated with respect to Shenzhen Noriyang.

The Commission vote for this determination took place on Issued: April 17, 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', enclosed within a large, stylized oval flourish.

Lisa R. Barton
Secretary to the Commission

Issued: April 18, 2024