

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN DISPOSABLE VAPORIZER
DEVICES**

Investigation No. 337-TA-1410

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION SETTING 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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 8) setting the target date for completion of the above-captioned investigation to November 24, 2025.

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 July 22, 2024, based on a complaint filed on behalf of RAI Strategic Holdings, Inc.; R.J. Reynolds Vapor Company; R.J. Reynolds Tobacco Company; and RAI Services Company (collectively, "Complainants"), all of Winston-Salem, North Carolina. 89 FR 59158 (Jul. 22, 2024). 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, and the sale within the United States after importation of certain disposable vaporizer devices and components thereof by reason of the infringement of certain claims of U.S. Patent No. 11,925,202. The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The Commission's notice of investigation names thirty-five (35) respondents. *Id.* at 59159-160.

Concurrently with the complaint, Complainants filed a motion for temporary relief requesting that the Commission issue a temporary exclusion order and temporary cease and desist orders prohibiting the importation into and the sale within the United States after

importation of certain disposable vaporizer devices and components thereof during the course of the Commission’s investigation. The motion for temporary relief was provisionally accepted and referred to the presiding ALJ for investigation. *Id.* at 59159.

On July 26, 2024, the ALJ issued Order No. 6, designating the temporary relief proceeding as “more complicated” pursuant to Commission Rule 210.60, on the basis of the complexity of the issues raised in Complainants’ motion for temporary relief. *See* Order No. 6 at 3 (Jul. 26, 2024).

On August 13, 2024, the ALJ issued the subject ID (Order No. 8), setting the target date for completion of the investigation to November 24, 2025, in consideration of “the demands of the temporary enforcement proceedings in this investigation, and the [ALJ’s] schedules for other investigations.” ID at 2. Based on this target date, the deadline for issuing the final ID is July 21, 2025. No petitions for review were filed.

The Commission has determined not to review the subject ID. The target date is set for November 24, 2025.

The Commission vote for this determination took place on September 9, 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: September 10, 2024