

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN CARTRIDGES FOR
ELECTRONIC NICOTINE DELIVERY
SYSTEMS AND COMPONENTS THEREOF**

Investigation No. 337-TA-1141

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION (ORDER NO. 44) TO TERMINATE THE INVESTIGATION WITH
RESPECT TO RESPONDENT VAPE4U LLC BASED ON A SETTLEMENT
AGREEMENT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined not to review an initial determination (“ID”) (Order No. 44) terminating the investigation with respect to respondent Vape4U LLC (“Vape4U”) of Montclair, California, based on a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2382. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s Electronic Docket Information System (“EDIS”) (<https://edis.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 27, 2018, the Commission instituted the present investigation based on a complaint filed by Juul Labs, Inc. (“Juul”) of San Francisco, California. 83 FR 66756 (Dec. 27, 2018). The complaint alleges a violation of 19 U.S.C. 1337, as amended (“Section 337”), in the importation, sale for importation, and sale in the United States after importation of certain cartridges used in electronic nicotine delivery systems and components thereof that allegedly infringe one or more of the asserted claims of U.S. Patent Nos. 10,058,129; 10,104,915; 10,111,470; 10,117,465; and 10,117,466. *Id.* The notice of

investigation named twenty-three (23) respondents, including Vape4U. The Office of Unfair Import Investigations (“OUII”) was also named as a party. *Id.*

The Commission previously terminated a number of respondents from this investigation pursuant to consent orders or settlement. Order No. 34 (June 14, 2019) (*not rev’d*, Comm’n Notice (July 10, 2019)); Order No. 30 (May 15, 2019) (*not rev’d*, Comm’n Notice (June 12, 2019)); Order No. 25 (*not rev’d*, Comm’n Notice (May 15, 2019)); Order Nos. 19-21 (*not rev’d*, Comm’n Notice (May 7, 2019)); Order Nos. 15, 16 (*not rev’d*, Comm’n Notice (Mar. 26, 2019)); Order Nos. 13, 14 (*not rev’d*, Comm’n Notice (Mar. 26, 2019)). The Commission also found certain other respondents to be in default. Order No. 26 (May 3, 2019) (*not rev’d*, Comm’n Notice (May 31, 2019)).

On September 5, 2019, Juul and Vape4U filed a joint motion to terminate the investigation with respect to Vape4U based on a settlement agreement. On September 16, 2019, OUII filed a response in support of the motion. No other responses were filed.

On September 18, 2019, the presiding administrative law judge (“ALJ”) issued the subject ID (Order No. 44) granting the joint motion to terminate Vape4U. The ALJ found that the joint motion complied with the requirements of 19 CFR 210.21(a)(2), (b)(1) and further stated that there were no other agreements, written or oral, express or implied, between the parties concerning the subject matter of this investigation, pursuant to 19 CFR 210.21(b)(1). The ALJ further found that the settlement agreement did not adversely impact the public interest, which generally favors settlement. No petitions to review the subject ID were filed.

The Commission has determined not to review the subject ID.

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: October 15, 2019