

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 COMMISSION DETERMINATION NOT TO REVIEW TWO INITIAL
DETERMINATIONS (ORDER NOS. 15 AND 16) TERMINATING THE
INVESTIGATION WITH RESPECT TO LIZARD JUICE, LLC AND SADDAM
ABUROUMI BASED ON CONSENT ORDERS**

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: (i) an initial determination (“ID”) (Order No. 15) terminating the investigation with respect to Respondent Lizard Juice, LLC (“Lizard Juice”) based on a consent order and (ii) an ID (Order No. 16) terminating the investigation with respect to Saddam Aburoumi (“Mr. Aburoumi”) based on a consent order.

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 66746 (Dec. 27, 2018). The complaint alleges a violation of 19 U.S.C. § 1337, as amended, in the importation into the United States, 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 five Juul patents, namely, 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

Lizard Juice of Largo, Florida, and Mr. Aburoumi of Manchester, Connecticut. *Id.* The Office of Unfair Import Investigations (“OUII”) was also named a party. *Id.*

On February 25, 2019, Juul and Lizard Juice filed a joint motion to terminate the investigation as to Lizard Juice based on a consent order and stipulation, pursuant to Commission Rule 210.21(c) (19 CFR 210.21(c)). On February 27, 2019, Juul and Mr. Aburoumi filed a joint motion to terminate the investigation as to Mr. Aburoumi based on a consent order and stipulation, pursuant to Commission Rule 210.21(c). OUII filed responses in support of both motions; no other responses were filed.

On March 12, 2019, the presiding administrative law judge (“ALJ”) issued the first subject ID (Order No. 15) finding that Juul and Lizard Juice have complied with the requirements of Commission Rule 210.21(c) and there are no countervailing public interest concerns weighing against termination of Lizard Juice. Accordingly, the ALJ granted the joint motion to terminate Lizard Juice from the investigation, pursuant to a consent order.

On the same date, the ALJ issued the second subject ID (Order No. 16) finding that Juul and Mr. Aburoumi have complied with the requirements of Commission Rule 210.21(c) and there are no countervailing public interest concerns weighing against termination of Mr. Aburoumi. Accordingly, the ALJ also granted the joint motion to terminate Mr. Aburoumi from the investigation, pursuant to a consent order.

No party filed a petition seeking review of either Order No. 15 or Order No. 16. The Commission has determined not to review either initial determination and to issue the proposed consent orders that were the subject of said motions.

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', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: March 26, 2019