

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

In the Matter of

**CERTAIN TOBACCO HEATING
ARTICLES AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1199

**NOTICE OF COMMISSION DECISION TO EXTEND THE DEADLINE FOR
DETERMINING WHETHER TO REVIEW AN INITIAL DETERMINATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined to extend the deadline for determining whether to review the initial determination (“ID”) of the presiding administrative law judge (“ALJ”) in the above-captioned investigation by one day to July 27, 2021.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3228. 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: On May 15, 2020, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by RAI Strategic Holdings, Inc., R.J. Reynolds Vapor Company, and R.J. Reynolds Tobacco Company, all of Winston-Salem, North Carolina (collectively, “Complainants”). *See* 85 FR 29482-83. The complaint, as supplemented, alleges a violation of section 337 based upon the importation of certain tobacco heating articles and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 9,901,123; 9,839,238 (“the ’238 patent”); and 9,930,915 (“the ’915 patent”). The complaint also alleges the existence of a domestic industry. The notice of investigation names the following respondents: Altria Client Services LLC, Altria Group, Inc. (“AGI”), and Philip Morris USA, Inc., all of Richmond, Virginia; Philip Morris International Inc. (“PMI”) of New York, New

York; and Philip Morris Products S.A. of Neuchatel, Switzerland (collectively, “Respondents”). *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

The Commission previously terminated respondents AGI and PMI from the investigation based on Complainants’ partial withdrawal of the complaint. *See* Order No. 24 (Dec. 14, 2020), *unreviewed by* Comm’n Notice (Jan. 5, 2021).

The Commission previously affirmed an initial determination finding that the economic prong of the domestic industry requirement is satisfied under 19 U.S.C. 1337(a)(3)(A) with respect to the ’238 and ’915 patents and provided supplemental analysis. Order No. 35 (Jan. 19, 2021), *affirmed in part by* Comm’n Notice (Feb. 18, 2021).

On May 14, 2021, the presiding ALJ issued the final ID on violation.

On May 28, 2021, Complainants, Respondents, and OUII each filed petitions for review of various aspect of the final ID.

On June 8, 2021, the parties filed their respective responses to the petitions for review.

The Commission has determined to extend the deadline for determining whether to review the final ID by one day to July 27, 2021.

The Commission vote for this determination took place on July 26, 2021.

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: July 26, 2021