

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN OIL-VAPING CARTRIDGES,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-1286

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO RESPONDENT
CALICO BASED ON A SETTLEMENT AGREEMENT AND A CONSENT ORDER
STIPULATION; ISSUANCE OF CONSENT ORDER**

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. 46) of the presiding administrative law judge (“ALJ”) terminating the investigation with respect to respondent The Calico Group Inc. (“Calico”) based on a settlement agreement and a consent order stipulation. The Commission has determined to enter a consent order against Calico.

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 November 10, 2021, based on a complaint filed on behalf of Shenzhen Smoore Technology Limited (“Smoore”) of China. 86 FR 62567-69 (Nov. 10, 2021). 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, or the sale within the United States after importation of certain oil-vaping cartridges, components thereof, and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 10,357,623 (“the ’623 patent”); 10,791,763 (“the ’763 patent”); 10,791,762 (“the ’762 patent”); and U.S. Registered Trademark No. 5,633,060 (“the Asserted Trademark”). *Id.* at 62567-68. The complaint further alleges that a domestic industry exists. *Id.* at 62568. The Commission’s

notice of investigation named numerous respondents including Calico of Austin, TX. *Id.* at 62568. The Office of Unfair Import Investigations (“OUII”) is also named as a party in this investigation. *Id.*

On January 27, 2023, complainant Smoore and respondent Calico filed a joint motion to terminate the investigation with respect to Calico based upon a settlement agreement and a consent order stipulation. The motion included public and confidential versions of the settlement agreement, a consent order stipulation, and a proposed consent order. OUII filed a response supporting the motion. Certain respondents filed a response arguing that Smoore has not shown good cause for limiting access to the unredacted settlement agreement but no respondent opposed the motion to terminate Calico.

On January 31, 2023, the ALJ issued the subject ID (Order No. 46) terminating the investigation with respect to Calico based on the settlement agreement and the consent order stipulation. The ID found that the settlement agreement, consent order stipulation, and proposed consent order complied with Commission Rules. *See* Order No. 46 (Jan. 31, 2023) at 2-4 (citing 19 CFR 210.21(b)(1) & 210.21(c)(1)). The ID also found that termination of the investigation with respect to Calico would not be contrary to the public interest. *Id.* at 4-5. The ID further found that Smoore has shown good cause for limiting access to the unredacted settlement agreement. *Id.* at 5. No petitions for review were filed.

The Commission has determined not to review the subject ID and to issue a consent order against Calico. Respondent Calico is hereby terminated from the investigation.

The Commission vote for this determination took place on March 3, 2023.

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: March 3, 2023