

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN DISPOSABLE VAPORIZER
DEVICES AND COMPONENTS AND
PACKAGING THEREOF**

Investigation No. 337-TA-1381

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION EXTENDING 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 an initial determination (“ID”) (Order No. 9) issued by the chief administrative law judge (“CALJ”) extending the target date for completion of the investigation to July 21, 2025.

FOR FURTHER INFORMATION CONTACT: Paul Lall, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2043. 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, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: On December 15, 2023, the Commission instituted this investigation based on a complaint filed by of complainants R.J. Reynolds Tobacco Company and R.J. Reynolds Vapor Company (collectively “R.J. Reynolds”). 88 FR 88111-12 (Dec. 15, 2023). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, or sale within the United States after importation of certain disposable vaporizer devices and components and packaging thereof by reason false advertising, false designation of origin, and unfair competition, the threat or effect of which is to destroy or substantially injure an industry in the United States. The Commission’s NOI named the following twenty-five (25) respondents: Affiliated Imports, LLC, of Pflugerville, TX; American Vape Company, LLC a/k/a American Vapor Company, LLC, of Pflugerville, TX; Breeze Smoke, LLC, of West Bloomfield, MI; Dongguan (Shenzhen) Shikai Technology Co., Ltd., of Guangdong, China; EVO Brands, LLC, of Wilmington, DE; Flawless Vape Shop Inc. of Anaheim, CA;

Flawless Vape Wholesale & Distribution Inc of Anaheim, CA; Guangdong Qisitech Co., Ltd., of Guangdong Province, China; iMiracle (Shenzhen) Technology Co. Ltd. of Shenzhen, China; Magellan Technology Inc. of Buffalo, NY; Pastel Cartel, LLC, of Pflugerville, TX; Price Point Distributors Inc. d/b/a Prince Point NY of Farmingdale, NY; PVG2, LLC, of Wilmington, DE; Shenzhen Daosen Vaping Technology Co., Ltd., of Shenzhen, China; Shenzhen Fumot Technology Co., Ltd., of Shenzhen, China; Shenzhen Funyin Electronic Co., Ltd., of Guangdong, China; Shenzhen Han Technology Co., Ltd., of Shenzhen, Guangdong, China; Shenzhen Innokin Technology Co., Ltd., of Shenzhen, China; Shenzhen IVPS Technology Co., Ltd., of Shenzhen, Guangdong, China; Shenzhen Noriyang Technology Co., Ltd., of Shenzhen, Guangdong Province, China; Shenzhen Weiboli Technology Co. Ltd. of Shenzhen, China; SV3 LLC d/b/a Mi-One Brands of Phoenix, AZ; Thesy, LLC d/b/a Element Vape of El Monte, CA; Vapeonly Technology Co. Ltd. of Shenzhen, China; and VICA Trading Inc. d/b/a Vapesourcing of Tustin, CA. *Id.* The Office of Unfair Import Investigations was also named as a party in this investigation. *Id.*

On January 5, 2024, the CALJ set a 16-month target date of April 17, 2025 for completion of the investigation, with a tentatively scheduled evidentiary hearing to occur on August 26-30, 2024. *See* Order No. 4, at 3 (Jan. 5, 2024). On January 29, 2024, the parties submitted a new proposed procedural schedule to accommodate a scheduling conflict for the evidentiary hearing. *See* ID, at 1. In the proposed procedural schedule, the parties also proposed that the target date be amended to accommodate the later trial date that they elected. *Id.*

On February 2, 2024, the CALJ issued the subject ID (Order No. 9) pursuant to Commission Rule 210.51(a) (19 CFR 210.51(a)), extending the target date for completion of the investigation by approximately three months to July 21, 2025. *Id.* at 2. The subject ID finds that good cause exists to “accommodate the delayed evidentiary hearing elected by the parties.” *Id.* Under this schedule, the final ID on violation is due March 21, 2025. *Id.*

No party filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID (Order No. 9). The target date for this investigation is extended to July 21, 2025.

The Commission vote for this determination took place on March 4, 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', enclosed within a large, loopy oval shape.

Lisa R. Barton
Secretary to the Commission

Issued: March 4, 2024