

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN DISPOSABLE VAPORIZER
DEVICES**

Investigation No. 337-TA-1410

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING AN UNOPPOSED MOTION FOR PARTIAL
TERMINATION BY WITHDRAWAL OF CERTAIN PATENT CLAIMS**

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. 44) of the presiding administrative law judge (“ALJ”) granting an unopposed motion for partial termination of the investigation by withdrawal of certain patent claims.

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 July 22, 2024, based on a complaint filed on behalf of RAI Strategic Holdings, Inc.; R.J. Reynolds Vapor Company; R.J. Reynolds Tobacco Company; and RAI Services Company (collectively, “Complainants”), all of Winston-Salem, North Carolina. 89 FR 59,158 (Jul. 22, 2024). 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, and the sale within the United States after importation of certain disposable vaporizer devices by reason of the infringement of certain claims of U.S. Patent No. 11,925,202 (“the 202 patent”). *Id.* at 59,159. The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The Commission’s notice of investigation names thirty-five (35) respondents: Vapeonly Technology Co. Ltd. of Hong Kong; iMiracle (Shenzhen) Technology Co., Ltd. of Shenzhen, China; Nevera (HK) Ltd. of Hong Kong; Wonder Ladies Ltd. of British Virgin Islands; Sailing South Ltd. of British Virgin Islands; Marea Morada Ltd. of

British Virgin Islands; Social Brands, LLC of Dallas, Texas; Palma Terra Ltd. of British Virgin Islands; Heaven Gifts International Ltd. of Hong Kong; Shenzhen LC Technology Co., Ltd. of Shenzhen, China; LCF Labs, Inc. of Ontario, California; Flumgio Technology Ltd. of Hong Kong; Flawless Vape Shop Inc. of Anaheim, California; Flawless Vape Wholesale & Distribution Inc. of Anaheim, California; and VICA Trading Inc. d/b/a Vapesourcing of Tustin, California (collectively, “Defaulting Respondents”); Kimsun Technology (HuiZhou) Co., Ltd. (“Kimsun”) of Shenzhen, China; Bidi Vapor, LLC (“Bidi Vapor”) of Orlando, Florida; Breeze Smoke, LLC of West Bloomfield, Michigan; Dongguan (Shenzhen) Shikai Technology Co., Ltd. of Shenzhen, China; Guangdong Qisitech Co., Ltd. of Dongguan, China; Fewo Intelligent Manufacturing Ltd. of Dongguan, City, China; Guangdong Cellular Workshop Electronics Technology Co., Ltd. of Dongguan, City, China; Zhuhai Qisitech Co., Ltd. of Zhuhai, China; Shenzhen Han Technology Co., Ltd. of Shenzhen, China; Shenzhen IVPS Technology Co., Ltd. of Shenzhen, China; Maduro Distributors d/b/a The Loon of Minneapolis, Minnesota; Shenzhen Yanyang Technology Co., Ltd. of Shenzhen, China; Pastel Cartel, LLC of Austin, Texas; American Vape Company, LLC of Pflugerville, Texas; Affiliated Imports, LLC of Austin, Texas; Shenzhen Kangvape Technology Co., Ltd. of Shenzhen, China; Shenzhen Pingray Technology Co., Ltd. of Shenzhen, China; SV3, LLC d/b/a Mi-One Brands of Phoenix, Arizona; Price Point Distributors Inc. d/b/a Price Point NY of Farmingdale, New York; and TheSy, LLC d/b/a Element Vape of Alhambra, California. *Id.* at 59,159-160. The Office of Unfair Import Investigations (“OUII”) is also named as a party. *Id.* at 59,160.

Respondents Kimsun and Bidi Vapor have been terminated from the investigation based on consent orders. Order No. 10 (Aug. 28, 2024), *unreviewed by* Comm’n Notice (Sept. 23, 2024); Order No. 26 (Nov. 5, 2024), *unreviewed by* Comm’n Notice (Dec. 5, 2024). The Defaulting Respondents have been found in default. Order No. 17 (Sept. 16, 2024), *unreviewed by* Comm’n Notice (Oct. 8, 2024).

On April 3, 2025, Complainants moved to partially terminate the investigation based on withdrawal of the complaint as to claims 3, 8, 10, and 13 of the ’202 patent, which are asserted for both infringement and domestic industry, and claims 17-27 and 29-30 of the ’202 patent, which are asserted for domestic industry (collectively, “Withdrawn Claims”). Complainants filed a supplemental motion on April 7, 2025. No party opposed the motion.

On April 7, 2025, the ALJ issued the subject ID (Order No. 44) granting the motion to partially terminate the investigation based on withdrawal of the complaint. The ID found that “the motion, as supplemented, complies with Commission Rule 210.21(a)(1)” and that “there are no extraordinary circumstances that prevent terminating the investigation as to the Withdrawn Claims.” ID at 2. The ID also found that “termination of the investigation as to these claims is in the public interest, as public and private resources will be conserved.” *Id.* at 2-3. No petitions for review were filed.

The Commission has determined not to review the subject ID. Claims 3, 8, 10, and 13 of the ’202 patent and claims 17-27 and 29-30 of the ’202 patent are hereby terminated from the investigation.

The Commission vote for this determination took place on April 30, 2025.

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 flourish.

Lisa R. Barton
Secretary to the Commission

Issued: May 1, 2025