

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

**In the Matter of**

**CERTAIN VAPORIZER DEVICES,  
CARTRIDGES USED THEREWITH, AND  
COMPONENTS THEREOF (II)**

**Investigation No. 337-TA-1460**

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW AN INITIAL  
DETERMINATION GRANTING SUMMARY DETERMINATION OF INVALIDITY**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review an initial determination (“ID”) (Order No. 31) of the presiding administrative law judge (“ALJ”) granting a motion for summary determination of invalidity and finding no violation of section 337.

**FOR FURTHER INFORMATION CONTACT:** Edward S. Jou, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3316. 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](mailto: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:** The Commission instituted this investigation on September 12, 2025, based on a complaint (the “Complaint”) filed by JUUL Labs, Inc. (“JLI”) of Washington, DC. 90 Fed. Reg. 44238 (Sept. 12, 2025). The Complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“section 337”), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain vaporizer devices, cartridges used therewith, and components thereof by reason of the infringement of one or more of claims 1-8 and 10 of U.S. Patent No. 12,156,533 (“the ’533 patent”). *Id.* The Complaint further alleges that an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337. *Id.* The notice of investigation named as respondents NJOY, LLC and NJOY Holdings, Inc. of Scottsdale, AZ; and Altria Group, Inc., Altria Group Distribution Company, and Altria Client Services LLC of Richmond, VA (collectively, “NJOY”). *Id.*

On March 25, 2026, the Commission terminated claims 7 and 8 of the '533 patent from the investigation based on JLI's withdrawal of allegations as to those claims. Order No. 22 (Mar. 3, 2026), *unreviewed by* Comm'n Notice (Mar. 25, 2026).

On March 20, 2026, NJOY filed a motion for summary determination of invalidity based on anticipation. On April 1, 2026, JLI filed a response in opposition to the motion. On April 6, 2026, NJOY filed a reply in support of the motion.

On April 14, 2026, the ALJ issued the subject ID (Order No. 31) granting the motion for summary determination and finding no violation of section 337. On April 24, 2026, JLI filed a petition for review. On May 1, 2026, NJOY filed an opposition to the petition for review.

Having reviewed the record of the investigation, including the ID, the parties' briefing on summary determination, and the parties' petition briefing, the Commission has determined to review the ID in its entirety.

In connection with its review, the Commission requests responses to the following questions:

1. Discuss the proper construction of "nicotine concentration" in the claim limitation "the salt is present in an amount that forms a nicotine concentration of 0.5% (w/w) to 20% (w/w) in the nicotine salt liquid formulation" in claim 1 of the '533 patent.
2. Taking into consideration the claim language, "the nicotine salt liquid formulation comprises a salt of nicotine and an organic acid in a liquid carrier," and the intrinsic record, explain whether or not the claim term "nicotine concentration" is limited to nicotine salt(s) or whether other nicotine may be present in the "nicotine salt liquid formation." Also explain any effect of this response on the claim construction of the term "nicotine concentration."

The parties are requested to brief their positions on the question above with reference to the applicable law and the existing evidentiary record. No additional briefing will be considered.

**WRITTEN SUBMISSIONS:** The parties to the investigation are requested to file written submissions on the issues identified in this notice. All initial written submissions must be filed no later than close of business on **June 12, 2026**. All reply submissions must be filed no later than the close of business on **June 22, 2026**. Opening submissions from the parties are limited to **20** pages. Reply submissions shall be limited to **10** pages. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (Inv. No. 337-TA-1460) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf)). Persons with questions

regarding filing should contact the Secretary, (202) 205-2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed with the Commission and served on any parties to the investigation within two business days of any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on May 29, 2026.

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: May 29, 2026