

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 VACATE AN INITIAL
DETERMINATION GRANTING SUMMARY DETERMINATION OF INVALIDITY;
REMAND FOR FURTHER PROCEEDINGS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to vacate an initial determination (“ID”) (Order No. 31) of the presiding administrative law judge (“ALJ”) granting a motion for summary determination of invalidity. The Commission remands the investigation to the ALJ for further proceedings consistent with the concurrently issued opinion and remand order.

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. 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.* The Office of Unfair Import Investigations is not participating in the investigation. *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) pursuant to Commission Rule 210.18 (19 CFR 210.18), 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.

On May 29, 2026, the Commission determined to review the ID in its entirety. Comm’n Notice (May 29, 2026). The Commission solicited briefing from the parties addressing two questions regarding the ID’s claim construction for the term “nicotine concentration.” *Id.* The parties filed initial written submissions on June 12, 2026, and reply submissions on June 22, 2026.

Having examined the record in this investigation, including the ID, the petition for review and response thereto, and the parties’ submissions on review, the Commission has determined to adopt a new construction for the term “nicotine concentration.” Accordingly, the Commission vacates the ID’s grant of summary determination of invalidity and remands the investigation to the ALJ to conduct further proceedings consistent with the Commission’s opinion.

The Commission vote for this determination took place on August 13, 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.

A handwritten signature in black ink, appearing to read "Lisa R. Barton", enclosed within a rectangular border.

Lisa R. Barton
Secretary to the Commission

Issued: August 13, 2026