

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

In the Matter of

**CERTAIN VAPORIZER DEVICES,
CARTRIDGES USED THEREWITH, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1464

**NOTICE OF COMMISSION DETERMINATION TO REVIEW AN INITIAL
DETERMINATION GRANTING SUMMARY DETERMINATION THAT THE
ECONOMIC PRONG OF THE DOMESTIC INDUSTRY REQUIREMENT IS
SATISFIED, AND ON REVIEW, TO AFFIRM WITH MODIFICATIONS**

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. 21) of the presiding administrative law judge (“ALJ”) granting complainants’ unopposed motion for summary determination that the economic prong of the domestic industry requirement is satisfied. On review, the Commission has determined to affirm the ID’s findings under 19 U.S.C. § 1337(a)(3)(B) and take no position on the findings under 19 U.S.C. § 1337(a)(3)(A).

FOR FURTHER INFORMATION CONTACT: Namo Kim, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3459. 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 19, 2025, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337) (“section 337”), based on a complaint filed by JUUL Labs, Inc. and VMR Products LLC of Washington, D.C. (collectively, “JLI”). 90 FR 59577-78 (Dec. 19, 2025). The complaint, as supplemented, alleges violations of section 337 based upon 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 certain claims of U.S. Patent Nos. 11,134,722 (“the ’722 patent”) and 11,606,981 (“the ’981 patent”) (collectively, “the asserted patents”). *Id.* The complaint further

alleges that a domestic industry exists in the United States. *Id.* The notice of investigation names as respondents Glas, Inc. and Glas, LLC of Los Angeles, California (collectively, “Glas”). *Id.* The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On April 17, 2026, JLI filed a motion for summary determination that the economic prong of the domestic industry requirement is satisfied. Glas did not respond to JLI’s motion.

On May 27, 2026, the ALJ issued the subject ID (Order No. 21) granting JLI’s unopposed motion for summary determination that JLI has satisfied the economic prong of the domestic industry requirement for the asserted patents under subsections 337(a)(3)(A) and 337(a)(3)(B).

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

The Commission has determined to review the subject ID. On review, the Commission has determined to affirm the ID’s findings under subsection 337(a)(3)(B) and takes no position on the findings under subsection 337(a)(3)(A).

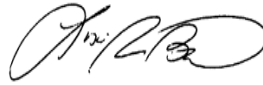
Chairman Johanson notes that the record evidence shows that JLI’s domestic labor activities add significant value to the articles protected by the patents. *See, e.g.*, ID at 15.

Commissioner Karpel would not review the ID as she finds the ID’s analysis to be consistent with the Federal Circuit’s decision in *Wuhan Healthgen*, which requires the Commission to conduct a holistic review of all relevant considerations in the record pertaining to subsections (A), (B), or (C) with respect to the protected DI articles. *Wuhan Healthgen Biotechnology Corp. v. ITC*, 127 F.4th 1334, 1339 (Fed. Cir. 2025) (“A finding of domestic industry cannot hinge on a threshold dollar value or require a rigid formula; rather, the analysis requires a holistic review of all relevant considerations that is very context dependent.”) (citing *Bally/Midway Mfg. Co. v. Int’l Trade Comm’n*, 714 F.2d 1117, 1123 (Fed. Cir. 1983) (“There is nothing in the statute which requires that an industry must be of any particular size.” (cleaned up)); *Certain Printing and Imaging Devices*, Inv. No. 337-TA-690, 2011 WL 1303160, Comm’n Op. at 27 (Feb. 17, 2011) (explaining whether investment activities are significant or substantial “is not evaluated according to any rigid mathematical formula,” but rather requires “an examination of the facts in each investigation, the article of commerce, and the realities of the marketplace”); 134 Cong. Rec. S10711-01, 1988 WL 174536 (Aug. 3, 1988) (“Smaller businesses should not be denied the right to seek relief merely because they may have made smaller financial investments than large companies”). Commissioner Karpel does not consider that a finding that the economic prong is met to hinge on consideration of a single fact or comparison but, consistent with *Wuhan*, such a finding requires consideration of all facts relevant to the determination of whether an industry in the United States exists with respect to articles protected by the patent as demonstrated by significant or substantial investments or employment as specified in subsections (A)-(C).

The Commission vote for this determination took place on July 9, 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 in a thin black rectangular border.

Lisa R. Barton
Secretary to the Commission

Issued: July 9, 2026