

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-1469

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW
AN INITIAL DETERMINATION GRANTING-IN-PART RESPONDENT'S MOTION
FOR SUMMARY DETERMINATION OF NO INFRINGEMENT AND ON REVIEW TO
AFFIRM THE INITIAL DETERMINATION WITH SUPPLEMENTATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined to review an initial determination ("ID") (Order No. 22) of the presiding administrative law judge ("ALJ"), granting-in-part respondent's motion for summary determination of no infringement. On review, the Commission has determined to affirm the ID with supplemental analysis.

FOR FURTHER INFORMATION CONTACT: Jonathan D. Link, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3103. 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: On December 19, 2025, the Commission instituted this investigation, based on a complaint filed by NJOY, LLC of Richmond, Virginia; Altria Group Distribution Company of Richmond, Virginia; and Altria Client Services LLC of Richmond, Virginia (collectively "NJOY"). 90 FR 60128 (Dec. 23, 2025). 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, or the sale within the United States after importation of certain vaporizer devices, cartridges used therewith, and components thereof by reason of infringement of claims 1-7 of U.S. Patent No. 12,115,303 and claims 1-6 of U.S. Patent No. 12,194,227. *Id.* The complaint further alleges that a domestic

industry exists or is in the process of being established. *Id.* The Commission’s notice of investigation named as respondent JUUL Labs, Inc. of Washington, D.C. (“JLI”). *Id.* The Office of Unfair Import Investigations is not participating in the investigation. *Id.*

On May 21, 2026, JLI moved for summary determination on each of NJOY’s JUUL1 e-cigarette device (“JUUL1”) infringement theories, including: (1) summary determination of issue preclusion and no infringement on NJOY’s tank cap and tank cap aperture infringement theories (“NJOY’s primary infringement theory”); (2) summary determination of issue preclusion and no infringement on NJOY’s JUUL1 mouthpiece literal infringement theories; and (3) summary determination of no infringement on NJOY’s JUUL1 mouthpiece doctrine of equivalents infringement theories. On June 5, 2026, NJOY filed an opposition to JLI’s motion. On June 15, 2026, JLI filed a reply in support of its motion.

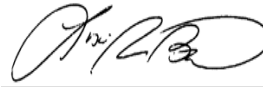
On July 6, 2026, the ALJ issued the subject ID (Order No. 22) granting the motion in part and finding no infringement under NJOY’s primary infringement theory due to issue preclusion and denying the motion as to the remaining infringement theories. On July 13, 2026, NJOY filed a Petition for Review of the ID’s finding of issue preclusion as to NJOY’s primary infringement theory. On July 20, 2026, JLI filed a response opposing review.

The Commission has determined to review the subject ID. On review, the Commission affirms and supplements the ID’s analysis, at 10-12. Specifically, the Commission adds a citation to the final initial determination (“Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond” (“1372 FID”) in 337-TA-1372, at 39-40 (December 5, 2024)) in *Certain Vaporizer Devices, Cartridges Used Therewith, and Components Thereof II*, Inv. No. In 337-TA-1372 (“the 1372 investigation”). The Commission further supplements the analysis to note that the 1372 FID found that the accused product, including the mouthpiece, are part of the cartridge and thus met the “housing” limitation (*e.g.*, claim 1[a]) of U.S. Patent No. 11,497,864 (“the ’864 patent”). 1372 FID at 40. While the 1372 FID found that the “housing” limitation was met, it rejected NJOY’s infringement theory, which did not include the mouthpiece as part of the cartridge and housing. The 1372 FID recognized the criticality of this finding, noting that “[t]he reason for this dispute [between the parties about the ‘housing’ limitation] will become clear when addressing other claim elements.” *Id.* at 39. This was revealed when the 1372 FID found no infringement of the ’864 patent because the mouthpiece splits the airflow into two non-central airflow passageways and paths. *Id.* at 50. Thus, as the 1372 FID recognized at the time, the findings regarding the “housing” limitation were necessary and essential to the final judgment of non-infringement of the ’864 patent.

The Commission vote for this determination took place on August 5, 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 thin black rectangular border.

Lisa R. Barton
Secretary to the Commission

Issued: August 5, 2026