



7020-02

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments

Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Vaporizer Cartridges and Components Thereof, DN 3471*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (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 United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the

Commission's Electronic Document Information System (EDIS) at <https://edis.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 has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Juul Labs, Inc. on July 10, 2020. The complaint alleges violations of section 337 of the Tariff Act of 1930 (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 vaporizer cartridges and components thereof. The complaint names as respondents: 101 Smoke Shop, Inc. of Los Angeles, CA; 2nd Wife Vape of Haslet, TX; Access Vapor LLC of Orlando, FL; All Puff Store of Middleburg Heights, OH; Alternative Pods of Palatine, IL; Ana Equity LLC of Orlando, FL; Aqua Haze LLC of Farmers Branch, TX; Cali Pods of Houston, TX; Canal Smoke Express, Inc. of New York, NY; CaryTown Tobacco of Richmond, VA; Cigar Road, Inc. of Woodland Hills, CA; Cloud 99 Vapes of New York, NY; DripTip Vapes LLC of Plantation, FL; Shenzhen Azure Tech USA LLC f/k/a DS Vaping P.R.C. of China; eCig-City of Riverside, CA; Ejuicedb, of Farmingdale, NY; eLiquid Stop of Glendale, CA; Eon Pods LLC of Jersey City, NJ; Evergreen Smokeshop of Oakland, CA; EZFumes of Bedford, TX; Guangdong Cellular Workshop Electronic Technology Co., Ltd. of China; JC Pods of Elk Grove Village, IL; Jem Pods, U.S.A. of Snellville, GA; JUULSite Inc. of Bensenville, IL; Keep Vapor Electronic Tech. Co., Ltd. of China; Limitless Accessories, Inc. of Tinley Park, IL; Midwest Goods, Inc. of Bensenville, IL; Modern Age Tobacco of Gainesville, FL; Mr. Fog of Bensenville, IL; Naturally Peaked Health Co. of Brewster, NY; Nilkant 167 Inc. of Boston, MA; Perfect Vape

LLC of Oklahoma City, OK; Price Point NY of Farmingdale, NY; Puff E-Cig of Imlay City, MI; Shenzhen Apoc Technology Co., Limited of China; Shenzhen Bauway Technology Ltd. of China; Shenzhen Ocify Times Technology Co., Ltd. of China; Shenzhen Yark Technology Co., Ltd. of China; Sky Distribution LLC of Addison, IL; Smoker's Express of Auburn Hills, MI; The Kind Group LLC of Ocean, NJ; Tobacco Alley of Midland of Midland, TX; Valgous of Bensenville, IL; Vape Central Group of Hallandale, FL; Vape 'n Glass of Streamwood, IL; Vaperistas of Wood Dale, IL; Vapers&Papers, LLC of Schenectady, NY; WeVapeUSA of Brooklyn, NY; and Wireless N Vapor Citi LLC of Lexington, KY. The complainant requests that the Commission issue a permanent general exclusion order, cease and desist orders, and impose a bond upon the vaporizer cartridges alleged infringing asserted patents during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

- (i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

- (ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;
- (iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;
- (iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and
- (v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the Federal Register. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the Federal Register. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due. Any

submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (“Docket No. 3471”) in a prominent place on the cover page and/or the first page. (*See Handbook for Electronic Filing Procedures, Electronic Filing Procedures*¹). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. 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

¹ Handbook for Electronic Filing Procedures:
https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

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,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Lisa Barton,

Secretary to the Commission.

Issued: July 13, 2020.

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² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.