orders during the period of investigation. Complainants also requests issuance of a general exclusion order or in the alternative a limited exclusion order, and cease and desist orders.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, 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 should be filed no later than by close of business nine calendar days after the date of publication of this notice in the Federal Register. Complainant may file a reply to any written submission no later than the date on which complainant’s reply would be due under § 210.8(c)(2) of the Commission’s Rules of Practice and Procedure (19 CFR 210.8(c)(2)).

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission’s Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (“Docket No. 3356) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures 1). 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. 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 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 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 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 201.8(c) of the Commission’s Rules of Practice and Procedure (19 CFR 201.10, 201.8(c)).

By order of the Commission.

Issued: December 10, 2018.

Lisa Barton,
Secretary to the Commission.

[[FR Doc. 2018–26994 Filed 12–12–18; 8:45 am]]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Certain Electronic Nicotine Delivery Systems and Components Thereof; Institution of Investigation


ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on October 3, 2018, under section 337 of the Tariff Act of 1930, as amended, on behalf of Juul Labs, Inc. of San Francisco, California. A letter supplementing the complaint was filed on October 17, 2018. An amended complaint was filed on October 26, 2018. The amended complaint 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 electronic nicotine delivery systems and components thereof by reason of infringement of certain claims of U.S. Patent No. 10,070,669 (“the ’669 patent”); U.S. Patent No. 10,076,139 (“the ’139 patent”); U.S. Patent No. 10,045,568 (“the ’568 patent”); U.S. Patent No. 10,058,130 (“the ’130 patent”); and U.S. Patent No. 10,104,915 (“the ’915 patent”). The amended complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainants requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The amended complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202)
Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at https://www.usitc.gov. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at https://edis.usitc.gov.

FOR FURTHER INFORMATION CONTACT:
Pathenia M. Proctor, The Office of
Unfair Import Investigations, U.S.
International Trade Commission,
telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:
Authority: The authority for
instituting this investigation is
contained in section 337 of the Tariff
Act of 1930, as amended, 19 U.S.C.
1337, and in section 210.10 of the
Commission’s Rules of Practice and

Scope of Investigation: Having
considered the amended complaint, the
U.S. International Trade Commission,
on December 6, 2018, ordered that—
(1) Pursuant to subsection (b) of
section 337 of the Tariff Act of 1930,
as amended, an investigation be instituted
to determine whether there is a
violation of subsection (a)(1)(B) of
section 337 in the importation into the
United States, the sale for importation,
or the sale within the United States after
importation of certain products
identified in paragraph (2) by reason of
infringement of one or more claims 1,
2, 4, 5, 7, 8, 10, 12, 13, 16, 17, 20, and
21 of the ’669 patent; claims 1–4, 9–11,
13, 14, 19–21, 24, 28, and 29 of the ’139
patent; claims 1–3, 5–9, 12, and 17–20
of the ’568 patent; claims 1, 2, 4–6, 8–
10, 16, 19, 21, and 27 of the ’130 patent;
and claims 1–4, 6, 9, 11, 12, 18–23, and
27 of the ’915 patent; and whether an
industry in the United States exists as
required by subsection (a)(2) of section
337;
(2) Pursuant to section 210.10(b)(1)
of the Commission’s Rules of Practice and
Procedure, 19 CFR 210.10(b)(1), the
plain language description of the
accused products or category of accused
products, which defines the scope of the
investigation, is “nicotine vaporizer
devices and the associated pods sold for
use with the devices, and components
thereof”;
(3) Pursuant to Commission Rule
210.50(b)(1), 19 CFR 210.50(b)(1), the
presiding administrative law judge shall
take evidence or other information and
hear arguments from the parties or other
interested persons with respect to the
public interest in this investigation, as

appropriate, and provide the
Commission with findings of fact and a
recommended determination on this
issue, which shall be limited to the
statutory public interest factors set forth
in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1):
(4) For the purpose of the
investigation so instituted, the following
are hereby named as parties upon which
this notice of investigation shall be served:
(a) The complainants are: Juul Labs,
Inc., 560 20th Street, San Francisco, CA
94107.
(b) The respondents are the following
entities alleged to be in violation of
section 337, and are the parties upon
which the complaint is to be served:
J Well France S.A.S., 50 rue de
Mirosmesnil, 75008 Paris, France
Bo Vaping, 591 Stewart Avenue, Garden
City, NY 11530
MMS Distribution LLC, 195 Lake Louise
Marie Road, Rock Hill, NY 12775
The Electric Tobacconist, LLC, 3235
Prairie Avenue, Boulder, CO 80301
Vapor 4 Life Holdings, Inc., 4080
Commercial Avenue, Suite A,
Northbrook, IL 60062
Eonsmoke, LLC, 1500 Main Ave, 2nd
Floor, Clifton, NJ 07011
ZLab S.A., Ave. Golero, 911 Office 27,
Punta del Este—Maldonado—
Uruguay 20100
Zip Lab Co., Limited, E district 4F, 5
building, Wen Ge Industrial Zone,
Heshuiou Kongming St., Guangming
New District, Shenzhen City,
Guangdong Province, China 518106
Shenzhen Yibo Technology Co., Ltd., E
district 4F, 5 building, Wen Ge
Industrial Zone, Heshuiou,
Gongming St., Guangming New
District, Shenzhen City, Guangdong
Province, China 518106
XFire, Inc., 820 Summer Park Dr., Suite
700, Stafford, TX 77477
ALD Group Limited, No. 2, 3rd
Industrial Road, Shixin Community,
Shiyian Street, Bao’an District,
Shenzhen City, Guangdong Province,
China 518108
Flair Vapor LLC, 2500 Hamilton Blvd.,
Suite B, South Plainfield, NJ 07080
Shenzhen Jecig Technology Co., Ltd.,
1F–5F, Building 17, Quarter G Shajing
Rd., Gonghe 3rd Industry District,
Baoan District, Shenzhen City,
Guangdong Province, China 518104
Myle Vape Inc., 8085 Chevy Chase
Street, Jamaica, NY 11432
Vapor Hub International, Inc., 1871
Tapo Street, Simi Valley, CA 93063
Limitless Mod Co., 4590 Ish Drive, Suite
100, Simi Valley, CA 93063
Asher Dynamics, Inc., 14343 Pipeline
Avenue, Chino, CA 91710
Ply Rock, 14345 Pipeline Avenue,
Chino, CA 91710
Infinite-N Technology Limited, 4F,
iTone Digital Park, Xin Fa San Road,
Sha Jing Shenzhen City, Guangdong
Province, China 518200
King Distribution LLC, 281 Route 46
West, Elmwood Park, NJ 07407
Keep Vapor Electronic Tech. Co., Ltd.,
Block D, XinLong Techno Park,
Shajing Town, Bao An District,
Shenzhen, China
(c) The Office of Unfair Import
Investigations, U.S. International Trade
Commission, 500 E Street SW, Suite
401, Washington, DC 20436; and
(5) For the investigation so instituted,
the Chief Administrative Law Judge,
U.S. International Trade Commission,
shall designate the presiding
Administrative Law Judge.

Responses to the complaint and the
notice of investigation must be
submitted by the named respondents in
accordance with section 210.13 of the
Commission’s Rules of Practice and
Procedure, 19 CFR 210.13. Pursuant to
19 CFR 201.16(o) and 210.13(a), such
responses will be considered by the
Commission if received not later than 20
days after the date of service by the
Commission of the complaint and the
notice of investigation. Extensions of
time for submitting responses to the
complaint and the notice of investigation
will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely
response to each allegation in the
complaint and in this notice may be
determined to constitute a waiver of the
right to appear and contest the
allegations of the complaint and this
notice, and to authorize the
administrative law judge and the
Commission, without further notice to the
respondent, to find the facts to be as
alleged in the complaint and this notice
and to enter a final determination
containing such findings, and may result in
the issuance of an exclusion order or a cease
and desist order or both directed against
the respondent.

By order of the Commission.
Issued: December 10, 2018.
Lisa Barton,
Secretary to the Commission.
[FR Doc. 2018–26995 Filed 12–12–18; 8:45 am]
BILLING CODE 7020–02–P

INTERNATIONAL TRADE
COMMISSION

Notice of Appointment of Individuals
To Serve as Members of the
Performance Review Board

AGENCY: United States International
Trade Commission.