

connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of January 7, 2022 (87 FR 993). The Commission conducted its conference on January 20, 2022. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on February 14, 2022. The views of the Commission are contained in USITC Publication 5283 (February 20), entitled *Steel Nails from India, Oman, Sri Lanka, Thailand, and Turkey: Investigation Nos. 701-TA-673-677 and 731-TA-1580-1583 (Preliminary)*.

By order of the Commission.

Issued: February 15, 2022.

**Lisa Barton,**

*Secretary to the Commission.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1260]

### Certain Toner Supply Containers and Components Thereof (II); Notice of Request for Submissions on the Public Interest

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that, on February 11, 2022, the presiding acting chief administrative law judge (“ACALJ”) issued an initial determination granting complainants’ motion for summary determination of violation of section 337 of the Tariff Act of 1930, as amended, which includes a recommended determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public only.

**FOR FURTHER INFORMATION CONTACT:** Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-3179. 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](mailto: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:** Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States:

unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: A general exclusion order directed to certain toner supply containers and components thereof that are imported, sold for importation, and/or sold after importation that infringe one or more of claims 1, 6, 7, 12, 25, and 26 of U.S. Patent No. 8,565,649; claims 1, 4, and 5 of U.S. Patent No. 9,354,551; and claims 1, 15-18, 32, 36, and 37 of U.S. Patent No. 9,753,402; and cease and desist orders directed to the same. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ACALJ’s recommended relief set forth in the initial determination issued in this investigation on February 11, 2022. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, 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 recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainants, their licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainants, complainants’ licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions from the public must be filed no later than by close of business on March 11, 2022.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (Mar. 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1260”) in a prominent place on the cover page and/or the first page. (See *Handbook for Electronic Filing Procedures*, [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf)). 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 by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. 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 contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: February 15, 2022.

**Lisa Barton,**

*Secretary to the Commission.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1211]

### Certain Vaporizer Cartridges and Components Thereof; Issuance of a General Exclusion Order and Cease and Desist Orders; Termination of the Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to affirm a summary determination of violation of section 337 with respect to certain respondents found in default. The Commission and has further determined to issue a general exclusion order ("GEO") denying entry of certain infringing vaporizer cartridges and components thereof as well as cease and desist orders ("CDOs") against certain of the defaulting respondents. This investigation is terminated.

**FOR FURTHER INFORMATION CONTACT:** Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-3427. 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](mailto: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 August 14, 2020, the Commission instituted this investigation based on a complaint, as supplemented, filed on behalf of Juul Labs, Inc. ("JLI") of San Francisco, California. 85 FR 49679-80 (Aug. 14, 2020). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("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 cartridges and components thereof by reason of infringement of the sole claims of U.S. Design Patent Nos. D842,536; D858,870; D858,869; and D858,868 (collectively, the "Asserted Patents"), respectively. *Id.* The complaint further alleges that a domestic industry exists. *Id.*

The Commission's notice of investigation, as amended, names forty-nine respondents (grouped by defaulting and non-defaulting respondents):

- (1) 101 Smoke Shop, Inc. ("101 Smoke Shop"); (2) Eon Pods LLC ("Eon Pods"); (3) Jem Pods, U.S.A. ("Jem Pods"); (4) Sky Distribution LLC ("Sky Distribution"); (5) Vapers & Papers, LLC ("Vapers & Papers"); (6) Access Vapor LLC D/B/A Cali Pods ("Access Vapor") (Access Vapor LLC and Cali Pods were originally identified as two distinct respondents. *See* 85 FR 49679-80 (notice of investigation). Cali Pods, however, is a business alias of Access Vapor. *See* Order No. 65 at 2, n.1); (7) eLiquid Stop; (8) Shenzhen Apoc Technology Co., Ltd. ("Shenzhen Apoc"); (9) Shenzhen Ocity Times Technology Co., Ltd. ("Shenzhen Ocity"); (10) Evergreen Smokeshop; (11) Shenzhen Azure Tech USA LLC F/K/A DS Vaping P.R.C. ("Shenzhen Azure"); (12) DripTip Vapes LLC ("DripTip Vapes"); (13) Modern Age Tobacco; (14) Dongguan Hengtai Biotechnology Co., Ltd. D/B/A Mr. Fog ("Mr. Fog"); (15) Shenzhen Yark Technology Co., Ltd. ("Shenzhen Yark"); (16) Guangdong Cellular Workshop Electronic Technology Co., Ltd. ("Guangdong Cellular"); (17) Shenzhen Bauway Technology Ltd. ("Shenzhen Bauway"); (18) Shango Distribution LLC D/B/A Puff E-Cig ("Puff E-Cig") (the first 18 respondents are collectively referred to herein as the "Defaulting Respondents.");
- (19) Vapeonline LLC D/B/A 2nd Wife Vape ("2nd Wife Vape"); (20) All Puff Store; (21) Alternative Pods; (22) Ana Equity LLC ("Ana Equity"); (23) Aqua Haze LLC ("Aqua Haze"); (24) Cali Pods; (25) Canal Smoke Express, Inc. ("Canal Smoke"); (26)

- Tobacco Club & Gifts, Inc., D/B/A CaryTown Tobacco ("CaryTown Tobacco"); (27) Cigar Road, Inc. ("Cigar Road"); (28) Cloud 99 Vapes; (29) eCig-City; (30) VR Products I LLC D/B/A eJuiceDB ("eJuiceDB"); (31) Texas E. Cigarette D/B/A EZFumes ("EZFumes"); (32) JC Pods; (33) JUULSite Inc. ("JUULSite"); (34) Keep Vapor Electronic Tech. Co., Ltd. ("Keep Vapor"); (35) Limitless Accessories, Inc. ("Limitless Accessories"); (36) Midwest Goods, Inc. ("Midwest Goods"); (37) OMID Holdings, Inc. D/B/A Naturally Peaked Health Co. ("Naturally Peaked Health"); (38) Nilkant 167 Inc. ("Nilkant"); (39) Perfect Vape LLC ("Perfect Vape"); (40) Price Point Distributors Inc. D/B/A Price Point NY ("Price Point NY"); (41) Bansidhar Inc. D/B/A Smoker's Express ("Smoker's Express"); (42) The Kind Group LLC ("Kind Group"); (43) Three Mini Calvins, LLC D/B/A Tobacco Alley of Midland ("Tobacco Alley"); (44) Valgous; (45) Vape Central Group; (46) Cork & Twist, Inc. D/B/A Vape 'n Glass ("Vape 'n Glass"); (47) Vaperistas; (48) WeVapeUSA; and (49) Wireless N Vapor Citi LLC ("Wireless N Vapor Citi"). *Id.*; *see also* Order No. 22 (Oct. 21, 2020) (granting motion to amend the complaint and notice of investigation to correct the legal names of Respondents 2nd Wife Vape, CaryTown Tobacco, eJuiceDB, EZFumes, Price Point NY, Smoker's Express, Tobacco Alley, Vape 'n Glass, Naturally Peaked Health, and Puff E-Cig and "the name and address for Respondent Mr. Fog."), *unreviewed by* Notice, 85 FR 73748-49 (Nov. 19, 2020).

The Office of Unfair Import Investigations ("OUII") is also a party to the investigation. 85 FR at 49679.

After institution of this investigation, JLI amended the Complaint and notice of investigation to, *inter alia*: (1) Include "the true legal names for each of Respondents 2nd Wife Vape, CaryTown Tobacco, eJuiceDB, EZFumes, Price Point NY, Smoker's Express, Tobacco Alley, Vape 'n Glass, Naturally Peaked Health, and Puff E-Cig"; (2) clarify that originally-named respondents Limitless Accessories and Valgous are a single legal entity; (3) correct "the name and address for Respondent Mr. Fog"; and (4) correct "the addresses for Respondents Shenzhen Azure Tech USA LLC f/k/a DS Vaping P.R.C. and Shenzhen Yark Technology Co., Ltd." Order No. 22 (Oct. 21, 2020), *unreviewed by* Notice, 85 FR 73748-49 (Nov. 19, 2020).

The Commission previously terminated the investigation as to 29 respondents pursuant to Commission Rule 210.21(c) (19 CFR 210.21(c)) based on consent orders, and one respondent pursuant to Commission Rule 210.21(a) (19 CFR 210.21(a)) due to JLI's failure to serve that entity with the Complaint and Notice of Investigation. Order No. 23 (Oct. 29, 2020) (terminating and issuing