

(terminating Unilever based on settlement); Order No. 10 (Sept. 10, 2024), *unreviewed by* Comm'n Notice (Oct. 8, 2024) (terminating Strip Lashed based on a consent order); Order No. 14 (Oct. 15, 2024), *unreviewed by* Comm'n Notice (Nov. 1, 2024) (terminating MZ Skin based on settlement); Order No. 15 (Nov. 1, 2024), *unreviewed by* Comm'n Notice (Nov. 22, 2024) (terminating Iman Cosmetics based on withdrawal of the complaint); Order No. 17 (Dec. 23, 2024), *unreviewed by* Comm'n Notice (Jan. 14, 2025) (terminating Bourne & Morgan based on a consent order). Accordingly, only the Defaulting Respondents remain in the investigation.

On January 31, 2025, the Commission found the Defaulting Respondents in default pursuant to Commission Rule 210.16. Order No. 19 (Jan. 7, 2025), *unreviewed by* Comm'n Notice (Jan. 31, 2025).

On January 26, 2025, Complainant filed a declaration under Commission Rule 210.16 (19 CFR 210.16) requesting the immediate entry of limited exclusion orders against the Defaulting Respondents. EDIS Doc. ID. 841793 (Jan. 26, 2025). Complainant indicated pursuant to 19 CFR 210.16(c)(2) that it is not seeking a general exclusion order. *Id.* No response to Complainant's declaration was received.

On February 20, 2025, the Commission issued a notice requesting written submissions on remedy, the public interest and bonding from the parties and from any other interested third party or government agencies. *See* 90 FR 10640–41 (Feb. 25, 2025) ("Remedy Notice"). On March 6, 2025, Complainant and OUII filed written submissions in response to the Commission's Remedy Notice. On March 13, 2025, OUII filed a reply to Complainant's submission. No other responses were submitted in response to the Remedy Notice.

When the conditions in section 337(g)(1)(A)–(E) (19 U.S.C. 1337(g)(1)(A)–(E)) have been satisfied, section 337(g)(1) and Commission Rule 210.16(c) (19 CFR 210.16(c)) direct the Commission, upon request, to issue a limited exclusion order or a cease and desist order or both against a respondent found in default, based on the allegations regarding a violation of section 337 in the Complaint, which are presumed to be true, unless after consideration of the public interest factors in section 337(g)(1), it finds that such relief should not issue.

Having examined the record of this investigation, including the parties' submissions in response to the Remedy Notice, the Commission has determined

pursuant to section 337(g)(1) (19 U.S.C. 1337(g)(1)) that the appropriate remedy in this investigation is an LEO prohibiting the unlicensed entry of certain eye cosmetics and packaging therefor that infringe Complainant's Asserted Trademark, or constitute unfair competition under 15 U.S.C. 1125(a), the threat or effect of which is to destroy or substantially injure an industry in the United States and that are imported by or on behalf of the Defaulting Respondents. The Commission has determined that the public interest factors enumerated in section 337(g)(1) do not preclude the issuance of the LEO. Although Complainant requested the Commission to issue cease and desist orders ("CDOs") directed to the Defaulting Respondents, the Commission has determined not to issue CDOs because of the lack of evidence or allegations that the Defaulting Respondents maintain commercially significant inventories and/or engage in significant commercial operations in the United States.

Chair Karpel agrees that section 337(g)(1) is the appropriate authority for issuance of relief in this investigation, but disagrees with the determination not to issue the CDOs requested by Complainant. Specifically, Chair Karpel supports issuance of both the requested LEO and the requested CDOs against the Defaulting Respondents because the criteria for issuance of such relief under section 337(g)(1)(A)–(E) are met as to these respondents. (19 U.S.C. 1337(g)(1)(A)–(E); *see* Order No. 19 (Jan. 7, 2025), *unreviewed by* Comm'n Notice (Jan. 31, 2025). Here, in addition to an exclusion order, Amarte has requested CDOs as to these Defaulting Respondents in its remedy submissions before the Commission. Given that sections 337(g)(1)(A)–(E) are satisfied, in Chair Karpel's view, the statute directs the Commission to issue the requested CDOs, subject to consideration of the public interest. Chair Karpel further finds that the public interest factors enumerated in section 337(g)(1) do not preclude the issuance of the CDOs directed to the Defaulting Respondents. Accordingly, Chair Karpel supports issuance of the CDOs, in addition to the issuance of the LEO discussed above, under section 337(g)(1).

The Commission has further determined that the bond during the period of Presidential review pursuant to section 337(j) (19 U.S.C. 1337(j)) shall be in the amount of 100 percent of the entered value of the imported articles that are subject to the LEO. The investigation is terminated.

The Commission vote for this determination took place on April 9, 2025.

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.

Issued: April 9, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–06335 Filed 4–11–25; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1381]

Certain Disposable Vaporizer Devices and Components and Packaging Thereof; Notice of a Commission Determination Not To Review Initial Determination Terminating the Investigation; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Order No. 58) issued by the chief administrative law judge ("CALJ") granting a motion filed by complainants R.J. Reynolds Tobacco Company and R.J. Reynolds Vapor Company ("RJR") to terminate the investigation in its entirety based on withdrawal of the complaint. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Paul Lall, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2043. 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 15, 2023, the Commission

instituted this investigation based on a complaint filed on behalf of RJR. 88 FR 88111–12 (Dec. 15, 2023). The complaint 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, or sale within the United States after importation of certain disposable vaporizer devices and components and packaging thereof by reason false advertising, false designation of origin, and unfair competition, the threat or effect of which is to destroy or substantially injure an industry in the United States. The Commission’s notice of investigation (“NOI”) named the following respondents: Flawless Vape Shop Inc. and Flawless Vape Wholesale & Distribution Inc., both of Anaheim, CA (collectively, the “Flawless Vape respondents”); Affiliated Imports, LLC of Pflugerville, TX; American Vape Company, LLC a/k/a American Vapor Company, LLC of Pflugerville, TX; Breeze Smoke, LLC of West Bloomfield, MI; Dongguan (Shenzhen) Shikai Technology Co., Ltd. of Shenzhen, China; EVO Brands, LLC of Wilmington, DE; Guangdong Qisitech Co., Ltd. of Dongguan City, China; iMiracle (Shenzhen) Technology Co. Ltd. of Shenzhen, China; Magellan Technology Inc. of Buffalo, NY; Pastel Cartel, LLC of Pflugerville, TX; Price Point Distributors Inc. d/b/a Prince Point NY of Farmingdale, NY; PVG2, LLC of Wilmington, DE; Shenzhen Daosen Vaping Technology Co., Ltd. of Shenzhen, China; Shenzhen Fumot Technology Co., Ltd. of Shenzhen, China; Shenzhen Funyin Electronic Co., Ltd. of Shenzhen, China; Shenzhen Han Technology Co., Ltd. of Shenzhen, China; Shenzhen Innokin Technology Co., Ltd. of Shenzhen, China; Shenzhen IVPS Technology Co., Ltd. of Shenzhen, China; Shenzhen Noriyang Technology Co., Ltd. of Shenzhen, China; Shenzhen Weiboli Technology Co. Ltd. of Shenzhen, China; SV3 LLC d/b/a Mi-One Brands of Phoenix, AZ; Thesy, LLC d/b/a Element Vape of El Monte, CA; Vapeonly Technology Co. Ltd. of Shenzhen, China; and VICA Trading Inc. d/b/a Vapesourcing of Tustin, CA. *Id.* The Office of Unfair Import Investigations (“OUII”) was also named as a party in this investigation. *Id.*

On May 13, 2024, the Commission granted RJR’s motion to amend the complaint and NOI to correct the mailing address associated with the Flawless Vape respondents. *See* Order No. 19 (April 18, 2024), *unreviewed by* Comm’n Notice (May 13, 2024).

On June 13, 2024, the Commission granted RJR’s motion to amend the complaint and NOI to add the following four entities as respondents in the investigation: (1) Capital Sales Company of Hazel Park, MI; (2) Ecto World, LLC d/b/a Demand Vape of Buffalo, NY; (3) Hong Kong IVPS International Ltd. of Wanchai, Hong Kong; and (4) KMT Services LLC d/b/a KMT Distribution of Hazel Park, MI. *See* Order No. 27 (May 20, 2024), *unreviewed by* Comm’n Notice (June 13, 2024).

On November 5, 2024, the Commission found the Flawless Vape respondents to be in default. *See* Order No. 42 (Oct. 7, 2024), *unreviewed by* Comm’n Notice (Nov. 5, 2024).

On January 10, 2025, RJR filed a motion to terminate this investigation based on a withdrawal of the complaint. *Id.* at 1. On January 15, 2025, the respondents remaining in the investigation filed a response stating they do not oppose the motion to terminate but requested that the CALJ “reconsider the ITC’s law concerning terminations with prejudice or recommend that the Commission do so.” *Id.* at 1–2. In the alternative, respondents requested “that any termination be subject to” certain conditions “that may help to alleviate the extreme financial burdens” they have faced and “may face again.” *Id.* at 2. On the same day, OUII filed a response stating that it supported RJR’s motion to terminate. *Id.*

On January 17, 2025, the CALJ requested additional briefing to provide a more detailed explanation of the relevant authority governing respondents’ request for termination with conditions. *Id.* (citing Order No. 57). On January 31, 2025, Respondents filed a supplemental brief requesting that the CALJ impose six conditions on RJR with respect to any future complaint filed by RJR: (1) any new investigation should be assigned to the CALJ; (2) the same staff from OUII should be assigned; (3) public interest should be delegated to the CALJ; (4) respondents’ counsel should be allowed to retain all documents, including documents designated as confidential under the administrative protective order, for twelve months after termination; (5) any future complaint on substantially similar claims filed within twelve months should be confined to the issues in the pre-hearing briefs already filed; and (6) if a new complaint is filed within twelve months, the parties should be permitted to renew the same motions *in limine*. *Id.* at 2, 4. On February 14, 2025, both RJR and OUII filed supplemental briefs. *Id.* at 2.

On March 7, 2025, the CALJ issued the subject ID (Order No. 58) terminating the investigation without prejudice. The ID first finds that termination with prejudice is not permitted under Section 337(b)(1). *Id.* at 4 (citing *Certain Bar Clamps, Bar Clamp Pads, & Related Packaging, Display, & Other Materials*, Inv. No. 337–TA–429, Comm’n Op., 2001 WL 36114993, at *2 (Feb. 13, 2001)). The ID also rejects each of the six conditions respondents requested to be included with any termination order, finding, in particular, that the Commission can evaluate the merits of any future complaint when, and if, such a complaint is filed.

On March 14, 2025, Respondents filed a petition for review, requesting the same conditions for termination presented to the CALJ. On March 21, 2025, RJR and OUII each filed a response.

The Commission has determined not to review the subject ID (Order No. 58). In light of respondents’ arguments before the CALJ, we note that it would be premature at this time for the Commission to decide the effect, if any, of this termination on a future complaint that might be filed. Accordingly, the Commission need not and does not now decide what action it may take, or what conditions may apply, should RJR file a complaint based on the same or similar alleged violations of section 337 by these respondents in the future. Nor does the Commission now decide whether and how, if a new investigation were instituted based on the same or similar allegations, the record from the instant investigation may be used in such future investigation. However, we note that “during the investigation of any refiled complaint, the facts and circumstances may make it appropriate for the presiding ALJ or the Commission to adopt some or all of the record of the original investigation” and “the parties may not necessarily be forced to duplicate procedures and filings that occurred in the original investigation.” *Certain Bar Clamps, Bar Clamp Pads, and Related Packaging, Display, and Other Materials*, Inv. No. 337–TA–429, Comm’n Op. at 7 (Feb. 13, 2001). Moreover, “[t]he investigation of any refiled complaint could thus result in a determination of no violation of section 337 relief . . . owing at least in part to the complainant’s conduct in withdrawing and then refiled its complaint.” *Id.* at 8.

The investigation is terminated in its entirety.

The Commission vote for this determination took place on April 8, 2025.

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.

Issued: April 8, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-06273 Filed 4-11-25; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1329]

Certain Audio Players and Components Thereof (I); Notice of Commission Determination To Review in Part an Initial Determination Granting Summary Determination of Invalidity and Terminating the Investigation for Good Cause; Termination of Investigation

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 in part an initial determination ("ID") (Order No. 39) issued by the presiding administrative law judge ("ALJ") granting respondent's motion for summary determination of invalidity of the asserted patent claims due to indefiniteness and also terminating the investigation for good cause. On review, the Commission vacates the ID's termination for good cause. The investigation is terminated with a finding of no violation of section 337 based on invalidity of the asserted patent claims.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2382. 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: The Commission instituted this investigation on September 15, 2022, based on a complaint filed by Google LLC of Mountain View, California ("Google"). 87 FR 56702-703 (Sept. 15, 2022). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), in the importation into the United States, sale for importation, or sale in the United States after importation of certain audio players and components thereof by reason of infringement of certain asserted claims of U.S. Patent Nos. 7,705,565 ("the '565 patent"); 10,593,330 ("the '330 patent"); and 10,134,398 ("the '398 patent"). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission's notice of investigation names Sonos, Inc. of Santa Barbara, California ("Sonos") as the respondent. *Id.* at 56703. The Office of Unfair Import Investigations was not named as a party to this investigation. *Id.*

On November 2, 2022, the Commission terminated the investigation with respect to the '565 patent. Order No. 7 (Oct. 18, 2022), *unreviewed by Comm'n Notice* (Nov. 2, 2022).

On November 30, 2022, the parties filed a joint claim construction chart, identifying the term "low power mode" among the terms in dispute. The parties filed their initial claim construction briefs on December 23, 2022, and their reply briefs on February 10, 2023. The ALJ held a *Markman* hearing on January 19, 2023.

On May 17, 2023, Sonos filed a motion for summary determination that the asserted claims of the '330 patent and the '398 patent are, *inter alia*, invalid as indefinite ("First MSD"). Google filed its opposition to Sonos's First MSD on May 30, 2023.

After the *Markman* hearing, the Commission granted the parties' multiple requests for extensions of time, in order to accommodate the Patent Trial and Appeal Board's ("PTAB") *inter partes* review ("IPR") of the patents at issue. On May 15, 2024, the PTAB issued two Final Written Decisions ("FWD"), concluding that all of the challenged claims of the asserted patents are unpatentable under 35 U.S.C. 318(a). *Sonos, Inc. v. Google LLC*, IPR2023-00119, Patent No. 10,593,330, Final Written Decision Determining All Challenged Claims Unpatentable (May 15, 2024); *Sonos, Inc. v. Google LLC*, IPR2023-00118, Patent No. 10,134,398, Final Written Decision Determining All

Challenged Claims Unpatentable (May 15, 2024).

On July 31, 2024, Sonos filed its second motion for summary determination of invalidity ("Second MSD") that the asserted patent claims are invalid as anticipated or obvious. Google filed its opposition to Sonos's Second MSD on August 20, 2024.

On February 4, 2025, the presiding ALJ issued an order (Order No. 35) inviting the parties to file a motion to terminate the investigation in view of the PTAB's two FWDs of invalidity. Order No. 35 (Feb. 4, 2025), *clarified in* Order No. 36 (Feb. 19, 2025).

On February 14, 2025, Sonos also moved to terminate the investigation in view of the PTAB's FWDs of invalidity. Google filed its opposition to Sonos's termination motion on February 28, 2025.

On March 7, 2025, the presiding ALJ issued a claim construction order (Order No. 37) finding that the claim term "low power mode," which is used in both of the remaining patents, is indefinite, and the asserted patent claims are thus invalid. Order No. 37 (March 7, 2025).

On March 7, 2025, the ALJ issued an order (Order No. 38) denying Sonos' Second MSD because Sonos is estopped from asserting the same prior art in the present investigation that it asserted in the PTAB proceedings. Order No. 38 (March 7, 2025) (citing 35 U.S.C. 315(e)(2)).

On March 7, 2025, the ALJ also issued the subject ID (Order No. 39) granting Sonos's First MSD of invalidity because the claim term "low power mode" is indefinite. Order No. 39 (March 7, 2025) (citing Order No. 37, *supra*). The ALJ also granted Sonos's motion to terminate the investigation for "good cause" in view of the PTAB's two FWDs of invalidity. Sonos, the ALJ found, represented that there are no agreements, written or oral, express or implied, between the parties concerning the subject matter of the investigation.

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

The Commission has determined to review Order No. 39 in part. Specifically, the Commission has determined not to review, and thus adopts, the ALJ's finding that the asserted claims of the '330 patent and '398 patent are invalid because the term "low power mode" is indefinite. Accordingly, the Commission finds there is no violation of section 337, per 19 U.S.C. 1337(a)(1)(B)(1) (requiring infringement of a valid claim for a finding of violation). The Commission, however, has determined *sua sponte* to review in part Order No. 39's termination of the investigation for