

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN DISPOSABLE VAPORIZER
DEVICES AND COMPONENTS AND
PACKAGING THEREOF**

INV. NO. 337-TA-1381

**ORDER NO. 11: ORDER TO SHOW CAUSE AS TO RESPONDENT VICA TRADING
INC.**

(March 11, 2024)

On February 16, 2024, complainants R.J. Reynolds Tobacco Company and R.J. Reynolds Vapor Company (collectively “R.J. Reynolds”) moved for an order directing respondent VICA Trading Inc. d/b/a Vapesourcing (“VICA”) to show cause as to why VICA should not be held in default in this investigation. Motion No. 1381-008. R.J. Reynolds also moved for an initial determination finding VICA in default. *Id.* On February 29, 2024, the Office of Unfair Import Investigations (“OUII”) supporting R.J. Reynold’s motion. No other response to the motion has been received.

Commission Rule 210.16 provides:

A party shall be found in default if it fails to respond to the complaint and notice of investigation in the manner prescribed in § 210.13 or § 210.59(c), or otherwise fails to answer the complaint and notice, and fails to show cause why it should not be found in default.

19 C.F.R. § 210.16(a)(1).

The rule further provides:

If a respondent has failed to respond or appear in the manner described in paragraph (a)(1) of this section, a party may file a motion for, or the administrative law judge may issue upon his own initiative, an order directing respondent to show cause why it should not be found in default.

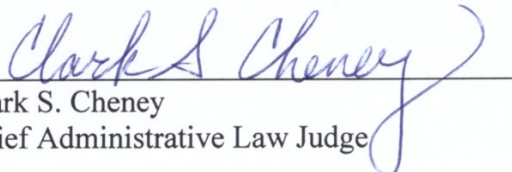
19 C.F.R. § 210.16(b)(1)(i).

R.J. Reynolds demonstrated that it sent copies of the complaint and notice of investigation to VICA via UPS that were received on December 19, 2023. *See* EDIS Doc. ID 812823, at Ex. 25; *see also* Motion No. 1381-008 at 2-3. VICA has not responded to the complaint or notice of investigation. Nor has VICA otherwise participated in this investigation.

Because VICA has not filed a response to the complaint or otherwise participated in this investigation, an order to show cause is appropriate. *See* 19 C.F.R. §§ 210.16 and 210.17.

Motion No. 1381-008 is granted in part. VICA is ordered to show cause no later than March 29, 2024, as to why I should not issue an initial determination finding it in default pursuant to 19 C.F.R. §§ 210.16 and 210.17. R.J. Reynold's request for an initial determination finding VICA in default will be held in abeyance until after the March 29, 2024, deadline for VICA to show cause.

SO ORDERED.


Clark S. Cheney
Chief Administrative Law Judge

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served via EDIS upon the Commission Investigative Attorney, **Cortney Hoecherl**, and upon the following parties as indicated, on **March 11, 2024**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

**On Behalf of Complainants R.J. Reynolds Vapor Company
and R.J. Reynolds Tobacco Company:**

Harold H. Davis, Esq.
GREENBERG TAURIG LLP
101 Second Street
San Francisco, CA 94105
Email: hal.davis@gtlaw.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification
of Availability for Download

**On Behalf of Respondents Magellan Technology Inc., SV3
LLC d/b/a Mi-One Brands, and Theyv, LLC d/b/a Element
Vape:**

Steven E. Adkins, Esq.
BARNES & THORNBURG, LLP
555 12th Street, N.W., Suite 1200
Washington, D.C. 20004
Email: steve.adkins@btlaw.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification
of Availability for Download

**On Behalf of Respondents Breeze Smoke, LLC and Dongguan
(Shenzhen) Shikai Technology Co., Ltd.:**

Patrick J. McCarthy, Esq.
GOODWIN PROCTOR LLP
1900 N Street, N.W.
Washington, D.C. 20036
Email: PMcCarthy@goodwinlaw.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification
of Availability for Download

**On Behalf of Respondents Shenzhen Weiboli Technology Co.
Ltd., Vapeonly Technology Co. Ltd., iMiracle (Shenzhen)**

CERTAIN DISPOSABLE VAPORIZER DEVICES AND COMPONENTS AND PACKAGING THEREOF

Inv. No. 337-TA-1381

Certificate of Service – Page 2

Technology Co., Ltd., Shenzhen Han Technology Co., Ltd., and Guangdong Qisitech Co., Ltd.:

Lauren E. Peterson, Esq.
POLSINELLI PC
1401 Eye Street N.W., Suite 800
Washington, DC 20005
Email: lpeterson@polsinelli.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Respondents Pastel Cartel, LLC, American Vape Company, LLC, Affiliated Imports, LLC, and Shenzhen Funyin Electronic Technology Co., Ltd.:

Matthew N. Duescher, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
1150 18th Street, N.W., Suite 775
Washington, D.C. 20036
Email: mduescher@fostermurphy.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Respondent Shenzhen Innokin Technology Co., Ltd.:

Jason Xu, Esq.
RIMON, P.C.
1990 K Street NW, Suite 420
Washington, DC 20006
Email: jason.xu@rimonlaw.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Respondent Price Point Distributors Inc.:

Erik J. Dykema, Esq.
BOCHNER PLLC
1040 Avenue of the Americas, 15th Floor
New York, New York 10018
Email: erik@bochner.law

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Respondent Shenzhen IVPS Technology Co., Ltd.:

Paul C. Goulet, Esq.
FISHERBROYLES, LLP
1200 G Street N.W., Suite 800

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail

CERTAIN DISPOSABLE VAPORIZER DEVICES AND COMPONENTS AND PACKAGING THEREOF

Inv. No. 337-TA-1381

Certificate of Service – Page 3

Washington, DC 20005

Email: paul.goulet@fisherbroyles.com

Other: Email Notification of Availability for Download

On Behalf of Respondents EVO Brands, LLC and PVG2 LLC:

Mary G. Bielaska, Esq.

ZANICORN LEGAL PLLC

845 Third Avenue, 6th Floor

New York, New York 10022

Email: mary.bielaska@zanicorn.com

Via Hand Delivery

Via Express Delivery

Via First Class Mail

Other: Email Notification of Availability for Download

On Behalf of Respondent Shenzhen Daosen Vaping Technology Co., Ltd.:

Eric N. Heyer, Esq.

THOMPSON HINE LLP

1919 M Street NW Suite 700

Washington, District of Columbia 20036

Email: eric.heyer@thompsonhine.com

Via Hand Delivery

Via Express Delivery

Via First Class Mail

Other: Email Notification of Availability for Download

On Behalf of Respondent Shenzhen Fumot Technology Co. Ltd:

Kevin H. Vanderleeden, Esq.

GROGAN, TUCCILLO, & VANDERLEEDEN, LLP

1350 Main Street, Suite 508

Springfield, MA 01103

Email: vanderleeden@gtv-ip.com

Via Hand Delivery

Via Express Delivery

Via First Class Mail

Other: Email Notification of Availability for Download

Respondents:

Flawless Vape Shop Inc.

1021 E. Orangethorpe Avenue

Anaheim, CA 92801

Via Hand Delivery

Via Express Delivery

Via First Class Mail

Other: Service to Be Completed by Complainants

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.