

UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C.

**In the Matter of**

**CERTAIN VAPORIZER DEVICES, CARTRIDGES  
USED THEREWITH, AND COMPONENTS  
THEREOF**

**Investigation No. 337-TA-\_\_\_\_\_**

**COMPLAINT UNDER SECTION 337 OF THE  
TARIFF ACT OF 1930, AS AMENDED**

**Complainant:**

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## EXHIBIT LIST

Exhibit	Description
1	Certified Copy of U.S. Patent No. 12,156,533
2	Certified Assignment Records for U.S. Patent No. 12,156,533
3	List of Foreign Counterparts
4	Public Version of List of Licensees to the Asserted Patent
4C	Confidential List of Licensees to the Asserted Patent
5	Infringement Chart for U.S. Patent No. 12,156,533
6	Evidence of Importation of NJOY Daily
7	Public Version of Domestic Industry Chart for U.S. Patent No. 12,156,533
7C	Confidential Domestic Industry Chart for U.S. Patent No. 12,156,533
8	Public Version of Declaration of Vittal Kadapakkam
8C	Confidential Declaration of Vittal Kadapakkam

**APPENDIX LIST**

<b>Appendix</b>	<b>Description</b>
A	Certified Prosecution History of U.S. Patent 12,156,533
B	File History for the Priority Applications for U.S. Patent No. 12,156,533

## I. INTRODUCTION

1. Complainant JUUL Labs, Inc. (“JLI” or “Complainant”) respectfully files this Complaint under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, to stop the unlawful importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of certain vaporizer devices, cartridges used therewith, and components thereof, that infringe a valid and enforceable patent owned by JLI.

2. As discussed in Section II of this Complaint, JLI was founded in 2007 with the goal of developing a less harmful alternative to traditional combustible cigarettes. Through years of effort across product design, engineering, and scientific research, and over a billion dollars invested domestically, JLI accomplished that goal by developing technology that revolutionized a category of vaporizing products known as electronic nicotine delivery system (“ENDS”) products.

3. As part of JLI’s 2020 applications to the FDA, for example, JLI submitted over 110 scientific studies in support of its submissions regarding the JUUL System. Following the FDA’s rigorous evaluations of the data, the FDA has decided that a marketing granted order (“MGO”) for the JUUL System was “appropriate for the protection of public health[.]” *See, e.g.*, [https://www.accessdata.fda.gov/static/searchtobacco/juul/MRKT\\_ORDR\\_LTR\\_Multiple\\_STNs\\_JUL2025\\_Redacted.pdf](https://www.accessdata.fda.gov/static/searchtobacco/juul/MRKT_ORDR_LTR_Multiple_STNs_JUL2025_Redacted.pdf) (July 22, 2025). JLI remains the only company in receipt of a marketing granted order from the FDA for ENDS products, without also selling combustible cigarettes.

4. JLI is a global leader in the ENDS industry, where it is known for numerous, meaningful technological advancements. JLI continues to invest heavily in innovation to sustain existing products and develop new ones. Unfortunately, JLI’s innovation and resulting success has bred numerous entities who unlawfully use JLI’s patented technology.

5. While JLI welcomes fair competition in its mission to switch adult smokers from combustible cigarettes while addressing underage use, JLI is compelled to take this action to

prevent the Proposed Respondents from continuing to sell products manufactured from overseas which infringe on JLI's foundational patented technology. This is JLI's fifth Section 337 Complaint in the past seven years to stop the unlawful importation of vaporizer devices and components thereof. *See Certain Electronic Nicotine Delivery Systems and Components Thereof*, Inv. No. 337-TA-1139; *Certain Cartridges for Electronic Nicotine Delivery Systems and Components Thereof*, Inv. No. 337-TA-1141; *Certain Vaporizer Cartridges and Components Thereof*, Inv. No. 337-TA-1211; and *Certain Vaporizer Devices, Cartridges Used Therewith, and Components Thereof*, Inv. No. 337-TA-1368. In each of the four prior Investigations, the Commission found a violation and issued remedial orders.

6. The Proposed Respondents are repeating this pattern of infringement by importing, selling for importation, and selling in the United States after importation, products that infringe on JLI's intellectual property, a strategy that undermines the very innovation ecosystem which this Commission is intended to protect.

7. Conversely, the Proposed Respondent NJOY filed its own Section 337 Complaint against JLI in 2023—the 337-TA-1372 Investigation—in which no violation was found. NJOY then voluntarily dismissed its appeal of the ITC's finding that JLI did not infringe the asserted patents in that case. However, instead of ending ongoing litigation after voluntarily dismissing their appeal, on July 11, 2025, NJOY notified JLI that it intends on reactivating the parallel litigation against JLI in the U.S. District Court, on the same patents asserted against JLI in the ITC that were found to be not infringed by JLI in 337-TA-1372.

8. The Proposed Respondents are NJOY, LLC and NJOY Holdings, Inc. (collectively "NJOY"); and Altria Group, Inc., Altria Group Distribution Company, and Altria Client Services LLC (collectively "Altria") (all collectively "Respondents").

9. This Complaint is based on Respondents’ unlawful importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of vaporizer devices, cartridges used therewith, and components thereof<sup>1</sup> that infringe one or more claims of the following JLI patent (the “Asserted Patent”):

Asserted Patent	Claims Asserted Against Respondents (independent claims in bold)
U.S. Patent No. 12,156,533	<b>1, 2-8, and 10</b>

10. Pursuant to Commission Rules 210.12(a)(12) and 210.10(b)(1), the products at-issue are vaporizer devices, also known as electronic nicotine delivery systems (“ENDS”), cartridges used therewith, and components of such devices and cartridges (cartridge housings, e-liquid nicotine salt formulations, heater components (sometimes referred to as atomizers), chargers, batteries), and subassemblies of the foregoing.

11. The products at-issue include the NJOY Daily (referenced herein as the representative involved article), as well as any other products in the scope of the investigation which NJOY may be developing or preparing for commercialization in the U.S. market. For example, NJOY has stated that it has “already-developed” redesign variations of the NJOY Ace System which it has included in applications to the Food and Drug Administration (FDA). *See, e.g.*, NJOY Press Release, <https://investor.altria.com/press-releases/news-details/2024/Altria-and-NJOY-Respond-to-ITC-Initial-Determination-in-Complaint-Against-NJOY/default.aspx> (posted Aug. 27, 2024, accessed August 7, 2025) (“NJOY recently filed Substantial Equivalence (SE) Exemption requests with the FDA to allow NJOY to market an already-developed ACE product with minor modifications that we believe avoid three of the four JUUL patent claims at issue [in

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<sup>1</sup> Any identification of a specific model or type of product at-issue in this Complaint is not intended to limit the scope of this investigation.

ITC Inv. No. 337-TA-1368].”); *see also, e.g.*, <https://investor.altria.com/press-releases/news-details/2025/Altria-Reports-2024-Fourth-Quarter-and-Full-Year-Results-Provides-2025-Full-Year-Earnings-Guidance-Announces-New-1-Billion-Share-Repurchase-Program/default.aspx> (“NJOY continues work on its product solution that addresses all of the patents at issue in the event the ITC’s decision is not rejected by the Trade Representative.”); <https://www.stockinsights.ai/us/MO/earnings-transcript/fy25-q1-b7d2> (Altria Earnings Call (accessed August 7, 2025) (“[W]e had final design [for the Ace] for the last patent that we were found to be infringed upon. We’ll continue to challenge and legalize, don’t want you to think we’re giving up the legal challenges. But we are close to having worked around all of the four patents that we were found to have infringed upon.”). NJOY has also stated on its website that “We’re working to get [our NJOY Ace products] back in-market ASAP. We’ll share updates on NJOY.com once we have more info.” <https://www.njoy.com/gtc/itc-update> (accessed August 7, 2025).

12. To stop Respondents’ unlawful acts, JLI requests a limited exclusion order under 19 U.S.C. § 1337(d)(1) barring from entry into the United States any vaporizer devices, cartridges used therewith, and components thereof that infringe the Asserted Patent and that are imported into the United States, sold for importation into the United States, and/or sold in the United States after importation by or on behalf of Respondents.

13. JLI also seeks permanent cease and desist orders under 19 U.S.C. § 1337(f) prohibiting Respondents and their affiliates, subsidiaries, successors, or assigns from importing, selling for importation, marketing, demonstrating, distributing, repairing, refurbishing, offering for sale, selling after importation or transferring (except for exportation), including moving or shipping inventory in the United States or soliciting United States agents or distributors, or aiding

and abetting other entities in the importation, sale for importation, sale after importation, or transfer (except for exportation) of vaporizer devices, cartridges used therewith, and components thereof that infringe the Asserted Patent.

14. JLI further seeks the imposition of a bond upon importation of infringing products during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j).

15. As set forth in Section IX of this Complaint, an industry pursuant to 19 U.S.C. § 1337(a)(2)–(3) exists based on the more than one billion dollars that JLI has invested, and ongoing investments that JLI continues to invest, domestically in relation to its products that are protected by the Asserted Patent.

## **II. COMPLAINANT**

16. JUUL Labs, Inc. is a privately held corporation organized and existing under the laws of the state of Delaware, with its principal place of business as of the date of the initiation of this proceeding at 1000 F Street NW Washington, D.C. 20004.

17. After years of research and over a billion dollars invested domestically, JLI has become one of the world’s leading ENDS companies.

### **A. JLI’s History**

18. JLI was founded and incorporated in 2007 with the goal of transitioning the world’s billion adult smokers away from combustible cigarettes.<sup>2</sup> Use of combustible cigarettes remains

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<sup>2</sup> As described more fully in the remaining paragraphs in this Section, JLI began as a company called “Ploom, Inc.” Ploom, Inc. was later renamed to “PAX Labs, Inc.,” and PAX Labs, Inc. was later renamed to “JUUL Labs, Inc.”

the leading cause of preventable death in the world and cigarettes are widely acknowledged to kill up to or more than 50% of their long-time users.<sup>3</sup>

19. When JLI was founded, the health hazards of smoking combustible cigarettes were well understood. Smoking was and still is the number one cause of preventable death in the U.S. *See Health Risks of Smoking Tobacco*, American Cancer Society (accessed August 7, 2025), <https://www.cancer.org/cancer/risk-prevention/tobacco/health-risks-of-tobacco/health-risks-of-smoking-tobacco.html>. Smoking not only steals valuable years of life but also has a significant economic cost. The Centers for Disease Control and Prevention estimates that “[c]igarette smoking cost the United States more than an estimated \$600 billion in 2018,” including “[m]ore than \$240 billion in health care spending[,] [n]early \$185 billion in lost productivity from smoking-related illnesses and health conditions[,] [and] [n]early \$180 billion in lost productivity from smoking-related premature death ....” *See Smoking & Tobacco Use: Economic Trends in Tobacco*, Centers for Disease Control and Prevention (accessed August 7, 2025), [https://www.cdc.gov/tobacco/php/data-statistics/economic-trends/?CDC\\_AAref\\_Val=https://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/economics/economic\\_facts/index.htm](https://www.cdc.gov/tobacco/php/data-statistics/economic-trends/?CDC_AAref_Val=https://www.cdc.gov/tobacco/data_statistics/fact_sheets/economics/economic_facts/index.htm).

20. After studying Product Design in graduate school at Stanford University, JLI’s founders, James Monsees and Adam Bowen, applied their knowledge of design and engineering to the challenge of developing an alternative to combustible cigarettes through various forms of non-combustible nicotine vaporizer products. Both smokers at the time, they experienced a lack

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<sup>3</sup> *See Tobacco: Key Facts*, World Health Organization (June 25, 2025, accessed August 7, 2025), [https://www.who.int/news-room/fact-sheets/detail/tobacco#:~:text=Key%20facts,%2D%20and%20middle%2Dincome%20countries](https://www.who.int/news-room/fact-sheets/detail/tobacco#:~:text=Key%20facts,%2D%20and%20middle%2Dincome%20countries.). (“Tobacco kills up to half of its users who don’t quit.”).

of compelling alternatives to smoking for adults who wanted to enjoy nicotine but also wanted to move away from traditional combustible cigarettes.

21. ENDS technology represented a potential alternative for reducing the exposure of adult smokers—and those around them—to the toxic compounds released by use of combustible cigarettes.<sup>4</sup> ENDS products deliver nicotine, but do so without generally burning tobacco and are thus noncombustible nicotine products. Studies have shown that switching from cigarettes to ENDS products can reduce exposure to certain toxic byproducts of smoking traditional cigarettes by up to 95% or more. Former FDA Commissioner Scott Gottlieb, M.D., explained that “it’s primarily the combustion, which releases thousands of harmful constituents into the body at dangerous levels, that kills people.” *See* Statement from FDA Commissioner Scott Gottlieb, M.D., FDA Newsroom (Sept. 12, 2018), <https://www.prnewswire.com/news-releases/statement-from-fda-commissioner-scott-gottlieb-md-on-new-steps-to-address-epidemic-of-youth-e-cigarette-use-300711284.html> (accessed August 7, 2025).

22. Initial ENDS products, however, proved unable to durably switch adult smokers’ consumption of combustible cigarettes. Several factors contributed to low switching rates with early non-combustible devices (including early generation “cig-a-like” products), such as, e.g., unreliability, poor device quality, form factor issues, complexity, maintenance required for some devices, and, most importantly, poor nicotine delivery, that failed to match the experience of consuming a combustible cigarette.

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<sup>4</sup> Terminology for electronic alternatives to combustible cigarettes can vary. As referenced herein, “ENDS” or Electronic Nicotine Delivery Systems includes various devices that deliver nicotine electronically, without combustion. While traditionally associated with liquid-based systems such as e-cigarettes or vaporizer products, this term also can encompass heat-not-burn (HNB) devices, as these also can electronically deliver nicotine.

23. During the course of their Master's thesis project in Product Design, and in an attempt to address these shortcomings, James and Adam experimented with harm reduction innovations for delivering nicotine without the combustion and associated toxins of burning tobacco, but in a more satisfying way than currently available ENDS products.

24. In 2007, after finishing graduate school, James and Adam started a company called Ploom Inc. ("Ploom") to continue developing and commercializing combustion-alternative devices. Ploom's first commercial product, the Ploom modelOne, was referred to as a "heat-not-burn" ("HNB") product which heated a mixture of tobacco and other substances to a temperature below the combustion threshold. While the Ploom modelOne was innovative and well-received, it did not achieve widespread appeal, at least in part because it failed to provide a sufficiently satisfying nicotine delivery experience to entice smokers to switch from combustible cigarettes and to keep them switched. Ploom continued to develop further improvements to the HNB Ploom system, as well as a new HNB system, called the PAX One, capable of vaporizing loose-leaf substances, including tobacco.

25. Around 2012, the engineers at Ploom focused attention on other ENDS systems, which used liquid solutions containing nicotine (often called "e-liquids"). Again, these e-liquid ENDS systems had significant shortcomings, particularly in delivering nicotine to the user in a way that was satisfactorily similar to combustible cigarettes, thus limiting their potential to help smokers switch away from smoking. Recognizing these challenges, Adam began a variety of investigations in order to determine the root issues with these prior systems. One area of those investigations resulted in the surprising and revolutionary discovery that adding an organic acid to a vaporizable solution of nicotine (now often called a "nicotine salt") dramatically improved user

experience and satisfaction, mimicking very closely the experience of a smoked combustible cigarette.

26. Ploom changed its name to PAX Labs, Inc. (“Pax”) in 2015, spinning off the Ploom brand and systems, and continued to innovate new and better designs for non-combustible nicotine delivery products. In that same year, Pax revolutionized the market for ENDS products with the release of its signature product, the JUUL electronic nicotine delivery system (the “JUUL System”), which finally gave adult smokers a true viable alternative to traditional cigarettes.

27. Through its many innovations in chemistry, industrial design, and technical engineering, the JUUL System disrupted the stagnant and failing category of non-combustible alternatives to combustible cigarettes.

28. For example, industry observers have commented that JUUL’s innovations in e-liquid chemistry amounted to a “Nicotine Salt Breakthrough.” *See, e.g., Ethics, Society, and Technology Initiatives - The Evolution of Juul: A Case Study in Design*, [https://ethicsinsociety.stanford.edu/sites/ethicsinsociety/files/media/file/case\\_study\\_juul.pdf](https://ethicsinsociety.stanford.edu/sites/ethicsinsociety/files/media/file/case_study_juul.pdf) (accessed August 7, 2025).

## **B. The JUUL System**

29. The JUUL System uses precision heating technology to aerosolize and deliver JLI’s proprietary nicotine e-liquid formulation without combustion. It was designed to break away from the “round white stick” iconography associated with smoking and used a simple interface requiring no buttons, switches, or complex manipulation. In addition, unlike early generation e-cigarette devices, which could not deliver nicotine in a way that replicated the experience of a combustible cigarette, JLI carefully developed its proprietary e-liquid formulations and carefully engineered internal architecture to deliver a combustible cigarette-like experience.

30. The Respondents themselves have previously stated that the “nicotine salts” formulations in JUUL’s products, such as those in JUUL’s proprietary e-liquid formulations, in combination with the products’ design, have been “critical” to the success of modern e-vapor products. *See, e.g., Certain Vaporizer Devices, Cartridges Used Therewith, and Components Thereof*, Inv. No. 337-TA-1368, Initial Post-Hearing Br. at 144 (June 12, 2024) (NJOY arguing that “[r]ecord evidence clearly show that *nicotine salts are critical to and materially impact the functionality of the JUUL System*” (emphasis added)); *see also id.*, EDIS Doc. ID 821089, Hrg. Tr. at 1253:17 - 1254:1 (May 8, 2024) (public testimony of NJOY’s technical expert witness, testifying that there are “features of the JUUL system that are important that are not claimed” in various patents asserted in 337-TA-1368, stating that, “it’s my understanding that *the size and form factor, the salts* — ... it was these other factors that seemed to be more, quote, [‘]coextensive with the success of JUUL[’] than anything in these patents” (emphasis added)).

31. NJOY’s own President has also acknowledged the importance of JUUL’s e-liquid formulation containing nicotine salts as being a “critical” factor to the success of JUUL’s products. *See, e.g., id.*, EDIS Doc. ID 830979, Hrg. Tr. at 831:8-16 (public testimony of NJOY President, testifying that nicotine salts in e-vapor products, including “JUUL,” are “*critical to the success of the product*[,] that it contains [nicotine salts,] for satisfaction for cigarette consumers moving” off of cigarettes (emphasis added)).

32. By acquiring NJOY and choosing to import foreign-made products that use this exact technology, Altria (and its subsidiary NJOY) directly infringe JLI’s intellectual property, including on what it has already conceded are JLI’s foundational American innovations.

33. The transformative design and operation of the JUUL System, coupled with JUUL’s innovations in e-liquid chemistries, were unique advancements over previous, much less

successful, ENDS products that were difficult to use, unsatisfying, and/or inconsistent in their delivery of aerosolized nicotine. As a result of its ease of use and satisfying and reliable performance, the JUUL System quickly gained recognition among adult smokers. It has been and continues to be one of the best-selling ENDS products in the United States.

34. The JUUL System comprises three primary and proprietary components: (i) a device body containing a rechargeable battery, control circuitry, and a receptacle for a cartridge (“JUUL Device”); (ii) a non-refillable cartridge (branded as a “JUULpod”) that is specifically designed to be inserted into a receptacle on the device body, has a resistive heater-based atomizer, and is pre-filled with a proprietary nicotine e-liquid formulation; and (iii) a charging dock that is specifically designed for charging the device body. When a user inhales through the mouthpiece of a JUULpod that has been inserted into the JUUL device body, the device rapidly heats to vaporize the nicotine salt e-liquid formulation, which recondenses to generate an aerosol that is ultimately inhaled by the user.

35. By way of illustration, the JUUL System is generally shown in the renderings below:



**JUUL Device**



**JUULpod**



**JUUL System**

36. A JUULpod cartridge consists of two basic parts: a cartridge and a cap, which is removed from the cartridge prior to use. As shown in the example JUULpod renderings below, the JUULpod cartridge has an overall rectangular shape.



37. The JUUL System attained tremendous commercial success and acclaim, reportedly garnering around 60–70% of the overall tracked e-cigarette market in the U.S. in the years following its launch.

38. JLI has since further innovated and created the JUUL2 System. Like the JUUL System, the JUUL2 System is comprised of three primary and proprietary components: (i) a device body containing a rechargeable battery, control circuitry, and a receptacle for a cartridge; (ii) a non-refillable cartridge (branded as a “JUUL2 pod”) that is specifically designed to be inserted into a receptacle on the device body, has a resistive heater-based atomizer, and is pre-filled with a proprietary nicotine e-liquid formulation; and (iii) a charging dock that is specifically designed for charging the device body. The JUUL2 System is designed, developed, and assembled in the United States, and, pending U.S. FDA approvals, currently exported and sold outside of the United States.

39. JLI is committed to providing quality products that perform consistently to JLI’s specifications. JLI continues to invest in creating and maintaining strict manufacturing and quality standards for its products and relies on multiple safeguards, testing standards, and quality controls.

### **III. RESPONDENTS**

40. On information and belief, NJOY, LLC is a limited liability company organized under the laws of Delaware, which is “headquartered in Arizona” and has a place of business located at 9449 N. 90th Street, Suite 201 Scottsdale, AZ 85258, and 6601 W Broad Street Richmond, VA, 23230. *See, e.g., Certain Vaporizer Devices, Cartridges Used Therewith, and Components Thereof*, Inv. No. 337-TA-1372, Complainant NJOY LLC’s Petition for Review of the Initial Determination at 64 (Dec. 23, 2024). On information and belief, NJOY, LLC was acquired by Altria Group, Inc. on June 1, 2023, and is now a wholly owned subsidiary of Altria Group, Inc. *See* <https://investor.altria.com/press-releases/news-details/2023/Altria-Completes->

Acquisition-of-NJOY-Holdings-Inc.-Updates-2023-Full-Year-Earnings-Guidance/default.aspx (accessed August 7, 2025). On information and belief, NJOY Holdings, Inc. is the holding company for NJOY, LLC, the operating company.

41. On information and belief, NJOY Holdings, Inc. is a corporation organized under the laws of Delaware, with its principal place of business located at 9977 N. 90th Street, Suite 201, Scottsdale, Arizona 85258. *See, e.g.,* <https://kando.tech/company/njoy-holdings-inc> (accessed August 7, 2025) (listing location for NJOY Holdings, Inc. at “9449 North 90th Street Suite 201 Scottsdale, AZ 85258”); *Certain Vaporizer Devices, Cartridges Used Therewith, and Components Thereof*, 337-TA-1368, Comm’n Notice at 1 (Jan. 29, 2025); *Juul Labs Inc. et al. v. NJOY, LLC et al.*, Case No. 2:23-cv-1204, Dkt. No. 35, Joint Status Report (Feb. 7, 2025) (restating ITC final determination in relation to “NJOY Holdings, Inc. of Scottsdale, Arizona”). On information and belief, NJOY Holdings, Inc. was acquired by Altria Group, Inc. on June 1, 2023, and is now a wholly owned subsidiary of Altria Group, Inc. *See* <https://investor.altria.com/press-releases/news-details/2023/Altria-Completes-Acquisition-of-NJOY-Holdings-Inc.-Updates-2023-Full-Year-Earnings-Guidance/default.aspx>.

42. On information and belief, Altria Group, Inc. is a corporation organized under the laws of the Commonwealth of Virginia, with its principal place of business located at 6601 West Broad Street, Richmond, Virginia 23230.

43. On information and belief, Altria Group Distribution Company is a corporation organized under the laws of the Commonwealth of Virginia, with its principal place of business located at 6601 West Broad Street, Richmond, Virginia 23230. On information and belief, Altria Group Distribution Company is a wholly owned subsidiary of Altria Group, Inc., and provides sales and distribution services to Altria Group, Inc.’s operating subsidiaries, such as NJOY. *See*

<https://investor.altria.com/press-releases/news-details/2023/Altria-Completes-Acquisition-of-NJOY-Holdings-Inc.-Updates-2023-Full-Year-Earnings-Guidance/default.aspx> (“NJOY’s products will be distributed by Altria Group Distribution Company.”) (accessed August 7, 2025).

44. On information and belief, Altria Client Services LLC is a limited liability company organized under the laws of the Commonwealth of Virginia, with its principal place of business located at 6601 West Broad Street, Richmond, Virginia 23230. On information and belief, Altria Client Services LLC is a wholly owned subsidiary of Altria Group, Inc.

45. As set forth below, on information and belief, Respondents import into the United States, sell for importation into the United States, and/or sell within the United States after importation vaporizer devices, cartridges used therewith, and components thereof that infringe the Asserted Patent.

#### **IV. THE TECHNOLOGY AND PRODUCTS AT ISSUE**

##### **A. Background of the Technology**

46. The technology at issue in this investigation generally relates to the design and operation of vaporizer devices, also known as ENDS devices, cartridges used therewith, and components of such devices and cartridges (cartridge housings, e-liquid nicotine salt formulations, heater components (sometimes referred to as atomizers), chargers, batteries), and subassemblies of the foregoing.

47. Nicotine liquid-based ENDS products generally vaporize a liquid solution containing nicotine (also called an e-liquid) and permit the user to inhale small, recondensed droplets of that solution as an aerosol. An e-liquid based ENDS product typically includes a storage compartment that holds the liquid nicotine solution, a heating element that vaporizes the liquid to generate an aerosol, and a battery and circuitry to power and operate the heating element.

## **B. Products at Issue**

48. The products at-issue are vaporizer devices, also known as electronic nicotine delivery systems (“ENDS”), cartridges used therewith, and components of such devices and cartridges (cartridge housings, e-liquid nicotine salt formulations, heater components (sometimes referred to as atomizers), chargers, batteries), and subassemblies of the foregoing.

## **V. THE ASSERTED PATENT AND NON-TECHNICAL DESCRIPTIONS OF THE INVENTION<sup>5</sup>**

49. JLI asserts one patent in this Complaint: U.S. Patent No. 12,156,533 (“the ’533 patent”). This patent is briefly discussed below.

### **A. The ’533 Patent**

#### **1. Identification and Ownership of the ’533 Patent**

50. U.S. Patent No. 12,156,533 was duly and lawfully issued by the United States Patent and Trademark Office on December 3, 2024 to JUUL Labs, Inc.

51. The ’533 patent is set to expire on May 6, 2034.

52. The ’533 patent is titled “Nicotine Salt Formulations for Aerosol Devices and Methods Thereof,” names Adam Bowen and Chenyue Xing as co-inventors, and issued from U.S. Patent Application No. 17/171,976, which was filed on February 9, 2021. The ’533 patent is a continuation of application No. 14/925,961, filed on October 28, 2015 (now U.S. Patent No. 10,952,468), which is a continuation of application No. 14/271,071, filed on May 6, 2014 (now abandoned). The ’533 patent claims priority to at least provisional application No. 61/820,128, filed on May 6, 2013, and provisional application No. 61/912,507, filed on December 5, 2013.

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<sup>5</sup> All non-technical descriptions of the patent herein are presented to give a general background of the patent. These statements are not intended to be used nor should they be used for purposes of patent claim construction. JLI presents these statements subject to and without waiver of its right to argue that no claim construction is necessary, or that claim terms should be construed in a particular way under claim interpretation jurisprudence and the relevant evidence.

53. A true and correct copy of the certified '533 patent is attached as Exhibit 1.

54. A true and correct copy of the certified patent assignment records from the named inventors to JUUL Labs, Inc. is attached as Exhibit 2. As shown therein, the named inventors assigned their interest to each of the original patent applications which ultimately led to the issuance of the '533 patent. In particular the named inventors assigned their interest in U.S. Patent Application No. 14/271,071 (to which the '533 patent claims priority as a continuation) to Ploom, Inc. in an assignment executed on May 14, 2014 (Reel/Frame 069063/0653). As further shown therein, Ploom, Inc. changed its name to PAX Labs, Inc. effective February 11, 2015 (Reel/Frame 069268/0409), and PAX Labs, Inc. changed its name to JUUL Labs, Inc. effective June 30, 2017 (Reel/Frame 069268/0407).

55. A true and correct copy of the certified prosecution history of the '533 patent is included as Appendix A.

56. True and correct copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '533 patent are included as Appendix B.

## **2. Foreign Counterparts to the '533 Patent**

57. Exhibit 3 lists each foreign patent and each pending foreign patent application (not already issued as a patent), and each foreign patent application that has been denied, abandoned, or withdrawn, corresponding to the '533 patent, with an indication of the prosecution status of each such patent application. No other foreign patents or patent applications corresponding to the '533 patent have been filed, abandoned, withdrawn, or rejected.

## **3. Non-Technical Description of the '533 Patent**

58. The '533 patent describes an electronic cigarette device comprising a nicotine salt liquid formulation for generating an inhalable aerosol upon heating. The nicotine salt liquid formulation in the electronic cigarette comprises a salt of nicotine and an organic acid in a liquid

carrier. The organic acid comprises benzoic acid or lactic acid. The liquid carrier comprises glycerol and propylene glycol.

**B. Licensees to the Asserted Patent**

59. All licensees to the Asserted Patent are identified in Confidential Exhibit 4C.

**VI. RESPONDENTS' INFRINGEMENT OF THE ASSERTED PATENT**

60. As discussed above, the products at-issue are vaporizer devices, also known as electronic nicotine delivery systems ("ENDS"), cartridges used therewith, and components of such devices and cartridges (cartridge housings, e-liquid nicotine salt formulations, heater components (sometimes referred to as atomizers), chargers, batteries), and subassemblies of the foregoing.

61. In addition to the photographs of representative products included in ¶ 69, *infra*, samples of the products at-issue are available on request.

**A. Infringement of the '533 Patent**

62. Respondents infringe, either literally or under the doctrine of equivalents, at least claims 1-8 and 10 of the '533 patent by importing the products at-issue, selling the products at-issue for importation, and/or selling the products at-issue within the United States after importation, including but not limited to NJOY's Daily series.

63. An exemplary claim chart comparing independent claim 1 of the '533 patent to a representative product at-issue (the NJOY Daily) is attached as Exhibit 5. NJOY offers its Daily series e-cigarette products with e-liquid in Rich Tobacco, Extra Rich Tobacco, Menthol, and Extra Menthol, containing e-liquid formulations having 4.5% and 6% nicotine by weight. *See, e.g.*, <https://www.electrictobacconist.com/product/njoy-daily-extra-menthol-8245>. In addition, as discussed above in ¶ 11, on information and belief, NJOY either has already developed or is developing additional products, which on information and belief also infringe the '533 patent for similar reasons as identified in the exemplary claim chart at Exhibit 5. For example, in the public

sources in ¶ 11 regarding NJOY’s statements about a redesign of the Ace product, NJOY has not alleged any changes to the existing e-liquid formulations, which NJOY admits contain nicotine salts.<sup>6</sup>

## **B. Indirect Infringement**

64. On information and belief, Respondents also indirectly infringe the Asserted Patent by inducing and/or contributing to infringement. On information and belief, Respondents have had and have actual knowledge of, or were willfully blind to, the Asserted Patent, including through at least: (1) the marking of JUUL Device and/or JUULpod product packages with websites relating to JUUL’s patented intellectual property, and the listing of the numbers of the Asserted Patent on JLI’s website in connection with such products, *see, e.g.*, <https://www.juullabs.com/us-and-international-patents/>; and (2) the filing of this Complaint and exhibits detailing allegations of infringement of the Asserted Patent against Respondents (3) a separate action that has been filed in the U.S. District Court for the District of Arizona and exhibits also detailing allegations of infringement of the Asserted Patent against Respondents, and (4) Altria’s recognition of the power of JLI’s innovation, and as a prior investor in JLI, its full access to study JLI’s IP portfolio, including its patents and pending applications, and praise of the nicotine salt technology at issue in this case as a key driver of the JUUL System’s success and its ability to disrupt the traditional tobacco market. *See also, e.g.*, ¶¶ 30-31, 62-63, *supra*, 65-67, *infra*. Respondents’ specific intent to induce infringement is further evidenced by Altria’s own public statements regarding its

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<sup>6</sup> For example, according to the FDA’s TPL Review of PMTAs for NJOY Ace Pods, the TPL states that the NJOY Ace Classic Tobacco products (i.e. PM0000615.PD1), use “e-liquids with nicotine salts[.]” *See* <https://www.fda.gov/media/164458/download?attachment> at 15 (accessed August 7, 2025); *see also, e.g.*, <https://www.fda.gov/media/179499/download> (FDA TPL review for the NJOY Ace product, wherein the NJOY Daily product was used as “comparison product[.]” to NJOY Ace in clinical studies, and which was described as “closed-system ENDS containing nicotine salt formulations”).

acquisition of NJOY. When Altria announced it would deploy its wholly-owned Altria Group Distribution Company to distribute NJOY's products, it was forming the specific intent to distribute products that directly infringe JLI's intellectual property to others to induce infringement on a national scale. *See, e.g.*, <https://investor.altria.com/press-releases/news-details/2024/NJOY-Submits-Premarket-Tobacco-Product-Applications-to-the-FDA-for-NJOY-ACE-2.0-Featuring-Bluetooth-enabled-Access-Restriction-Technology/default.aspx> (accessed August 7, 2025). Altria's subsequent expansion of NJOY's retail footprint to over 100,000 stores is a direct and intentional act of encouraging and facilitating infringing sales by downstream retailers, with full knowledge of JLI's patent portfolio. *Id.*

65. On information and belief, Respondents knowingly induced, induce, and/or contribute to direct infringing acts by others with specific intent to encourage infringement. For example, Respondents actively induce customers' direct infringement by contracting with and encouraging distribution partners, contractors, retailers, and/or customers to make, use, offer to sell, sell, and import in the United States products that infringe the Asserted Patent. For example, according to the FDA regarding NJOY LLC's PMTA filings, "current adult cigarette smokers are the applicant's stated intended users." *See, e.g.*, <https://www.fda.gov/media/165234/download> (accessed August 7, 2025); *see also* Ex. 6 at 3 (NJOY Daily packaging stating that the product is for use by current adult smokers). Further, as noted by the FDA, Respondents "[m]aintain[] [d]istributor and [r]etailer [p]olicies that govern the selection and oversight of tobacco retailers that carry NJOY Daily products[.]" *See, e.g.*, <https://www.fda.gov/media/165233/download> (accessed August 7, 2025). In addition, Respondents "receiv[e] inbound customer service communications" and "[c]onduct[] quarterly audits of point-of-sale signage located in retail chains that carry NJOY to determine whether only NJOY-approved trade marketing materials are being

utilized.” *Id.* Respondents know, or should have known, that these acts directly infringe the Asserted Patent because of, for example, the infringement allegations and evidence provided in connection with this Complaint, the other aforementioned complaints, and evidence and allegations therein.

66. On information and belief, Respondents induce infringement of the Asserted Patent under 35 U.S.C. § 271(b) by knowingly and intentionally inducing others to directly infringe, literally or under the doctrine of equivalents, the Asserted Patent. On information and belief, the products at-issue are specially designed to contain features that infringe the Asserted Patent, and the products at-issue have no substantial uses other than ones that infringe the Asserted Patent. On information and belief, Respondents actively promote the sale, use, and importation of the products at-issue in marketing materials, technical specifications, data sheets, webpages, press releases, and user manuals, as well as through their sales and distribution channels that encourage infringing sales, offers to sell, and importation of the products at-issue. *See, e.g.*, ¶¶ 64-65, *supra*. Through these actions, Respondents have had the specific intent to induce, or were willfully blind to inducing infringement of the Asserted Patent. On information and belief, Respondents continue to engage in these activities with knowledge of the Asserted Patent and knowledge that the induced acts constitute infringement.

67. On information and belief, Respondents also contribute to infringement of the Asserted Patent under 35 U.S.C. § 271(c) by providing or selling the products at-issue to others. The products at-issue are specially designed and made for use in an infringing manner and are not staple articles of commerce suitable for any substantial non-infringing use. On information and belief, Respondents continue to engage in these activities with knowledge of the Asserted Patent and knowledge that their acts contribute to infringement. *See, e.g.*, ¶¶ 64-66, *supra*.

## VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

68. On information and belief, the products at-issue are manufactured overseas and then sold for importation into the United States by Respondents or on their behalf, imported into the United States by Respondents or on their behalf, and/or sold after importation by Respondents or on their behalf.

69. Further, for example, Exhibit 6 includes photographs of NJOY Daily Devices, and a receipt for the domestic purchase of two infringing NJOY Daily Devices. *See* Exhibit 6. The purchased Daily Devices are labeled as being made and filled in Indonesia:







Ex. 6 at 2-3 (Daily packaging labeled “made and filled in Indonesia”). The receipt indicates that the products were sold within the United States, showing that Respondents import the product, sell it for importation, and/or sell it within the United States after importation:



Ex. 6 at 8 (receipt with US purchase location).

70. On information and belief, NJOY, LLC sells for importation, imports, and/or sells after importation the products at-issue. For example, Altria Group, Inc.'s 10-K report for 2023 indicates that "NJOY contracts with third-party importers to supply all of its products and sells its e-vapor products to customers in the United States." *See* Altria Group, Inc., Annual Report (Form 10-K) (Feb. 27, 2024), <https://d18rn0p25nwr6d.cloudfront.net/CIK-0000764180/7d46733f-7e12-441f-8602-9c8770c1e5cb.pdf> (accessed August 7, 2025).

71. On information and belief, NJOY Holdings, Inc., a company acquired by Altria Group, Inc. in 2023, and the parent company of NJOY, sells for importation, imports, and/or sells after importation the products at-issue. *See id.*

72. On information and belief, Altria Group, Inc., which acquired NJOY Holdings, Inc. in 2023, sells for importation, imports, and/or sells after importation the products at-issue. Altria Group, Inc.'s 10-K report released in 2024, for example, indicated that NJOY "sells its e-vapor products to customers in the United States." *See* Altria Group, Inc., Annual Report (Form 10-K) at 2 (Feb. 27, 2024), <https://d18rn0p25nwr6d.cloudfront.net/CIK-0000764180/7d46733f-7e12-441f-8602-9c8770c1e5cb.pdf> (accessed August 7, 2025). Further, Altria Group, Inc.'s 10-Q report for the quarterly period ending on June 30, 2024, indicated that "[t]hrough the second quarter of 2024, NJOY distribution grew to over 100,000 stores." *See* Altria Group, Inc., Quarterly Report (Form 10-Q) at 47 (July 31, 2024), <https://www.sec.gov/ix?doc=/Archives/edgar/data/764180/000076418024000093/mo-20240630.htm> (accessed August 7, 2025). In addition, Altria Group, Inc.'s 10-Q report indicated that it "work[s] to meet [] evolving adult tobacco consumer preferences over time by developing, manufacturing, marketing and distributing products both within and outside the United States

through innovation and other growth strategies (including, where appropriate, arrangements with, or investments in, third parties and acquisitions).” *See id.* at 46.

73. On information and belief, Altria Group Distribution Company sells for importation, imports, and/or sells after importation the products at-issue. A press release posted on Altria Group, Inc.’s website indicated that “NJOY’s products will be distributed by Altria Group Distribution Company.” *See* <https://investor.altria.com/press-releases/news-details/2023/Altria-Completes-Acquisition-of-NJOY-Holdings-Inc.-Updates-2023-Full-Year-Earnings-Guidance/default.aspx> (accessed August 7, 2025).

74. On information and belief, Altria Client Services LLC sells for importation, imports, and/or sells after importation the products at-issue. According to Altria Group, Inc.’s 10-K report released in 2024, “[Altria Client Services LLC] owns one property in Richmond, Virginia that serves as the headquarter facilities for Altria, PM USA, USSTC, Middleton, Helix, NJOY and certain other subsidiaries.” *See* Altria Group, Inc., Annual Report (Form 10-K) (Feb. 27, 2024), <https://d18rn0p25nwr6d.cloudfront.net/CIK-0000764180/7d46733f-7e12-441f-8602-9c8770c1e5cb.pdf> (accessed August 7, 2025).

75. Further, for example, the same Respondents named here (NJOY, LLC; NJOY Holdings, Inc.; Altria Group, Inc.; Altria Group Distribution Company; and Altria Client Services LLC) have previously stipulated to the importation requirement. *See, e.g., Certain Vaporizer Devices, Cartridges Used Therewith, and Components Thereof*, Inv. No. 337-TA-1368, EDIS Doc ID 814492 (Feb. 20, 2024).

#### **VIII. HARMONIZED TARIFF SCHEDULE NUMBERS**

76. The products at-issue are classified under at least the following subheading of the Harmonized Tariff Schedule of the United States: 8543.90.8865; 8543.40.00; and 8543.40.0030.

These classifications are exemplary in nature and not intended to restrict the scope of any exclusion order or other remedy ordered by the Commission.

#### **IX. THE DOMESTIC INDUSTRY RELATING TO THE ASSERTED PATENT**

77. A domestic industry, as set forth in 19 U.S.C. § 1337(a)(2) and defined by 19 U.S.C. § 1337(a)(3), exists in the United States in relation to JLI products that are protected by the Asserted Patent.

##### **A. Technical Prong**

78. The JUUL System and the JUUL2 System (the “Domestic Industry Products”) are protected by at least one claim of the Asserted Patent.<sup>7</sup> A representative claim chart, attached as Confidential Exhibit 7, shows that an exemplary representative involved article, the JUUL System, practices at least claim 1 of the ’533 patent. The exemplary JUUL System as shown in Confidential Exhibit 7 includes a JUULpod with Virginia Tobacco e-liquid. On information and belief, this exemplary JUUL System is representative of other JUUL System and JUUL2 System products on the market with e-liquids of other flavors and concentrations.

79. Samples of the Domestic Industry Products are available on request.

##### **B. Economic Prong**

80. There is a domestic industry pursuant to 19 U.S.C. § 1337(a)(3)(A), (B), and (C) based on JLI’s continuing significant U.S. investment in plant, equipment, labor, and capital, as well as JLI’s continuing substantial U.S. investment in research, development, and engineering. These investments, which are over a billion dollars to date, were made by JLI to develop and create

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<sup>7</sup> The Domestic Industry Products are protected by additional claims of the Asserted Patent, and JLI may establish the technical prong of the domestic industry requirement through claims other than those explicitly charted.

the Domestic Industry Products, bring them to market, and sustain their success through continuous technological development.

81. Details regarding these investments are set forth in the Confidential Declaration of Vittal Kadapakkam (Confidential Exhibit 8C); *see also Certain Cartridges for Electronic Nicotine Delivery Systems and Components Thereof*, Inv. No. 337-TA-1141, Order No. 38 (Aug. 14, 2019) (initial determination granting complainant JLI's motion for summary determination regarding, among other things, economic domestic industry) and Commission Determination Not to Review Initial Determination (Sept. 13, 2019); *Certain Electronic Nicotine Delivery Systems and Components Thereof*, Inv. No. 337-TA-1139, Order No. 35 (Aug. 27, 2019) (initial determination granting complainant JLI's motion for summary determination regarding, among other things, economic domestic industry), Final Initial Determination (Dec. 13, 2019) (finding that the record evidence supported a finding that JLI satisfied the economic prong of the domestic industry requirement), and Commission Opinion (Apr. 20, 2020) (finding that JLI satisfied the economic prong of the domestic industry requirement); *Certain Vaporizer Cartridges and Components Thereof*, Inv. No. 337-TA-1211, Order No. 65 (Oct. 14, 2021) (initial determination granting complainant JLI's motion for summary determination regarding, among other things, economic domestic industry) and Commission Opinion (Feb. 14, 2022) (affirming the initial determination); *Certain Vaporizer Devices, Cartridges Used Therewith, And Components Thereof*, Inv. No. 337-TA-1368, Order No. 22 (Apr. 3, 2024) (initial determination granting complainant JLI's motion for summary determination regarding economic domestic industry), and Commission Opinion (June 20, 2024) (affirming the initial determination).

82. JLI's domestic investments are significant and substantial under Section 337, both in absolute terms and relative to JLI's overall operations. These domestic investments and

activities are vital to JLI's domestic business with respect to the Domestic Industry Products and represent significant added value.

## **X. RELATED LITIGATION**

83. JLI has filed a separate complaint in the U.S. District Court for the District of Arizona alleging infringement of the Asserted Patent against Respondents.

84. JLI has also been involved in foreign actions on some foreign patents related to the Asserted Patent, as described in Exhibit 3.

## **XI. RELIEF REQUESTED**

85. JLI respectfully requests that the Commission:

(a) Institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to Respondents' violations of that section based on the importation into the United States, sale for importation, and/or sale within the United States after importation of vaporizer devices, cartridges used therewith, and components thereof that infringe one or more claims of the Asserted Patent;

(b) Schedule and conduct a hearing pursuant to Section 337(c) for the purposes of (i) receiving evidence and hearing argument concerning whether there has been a violation of Section 337, and (ii) following the hearing, determining that there has been a violation of Section 337;

(c) Issue a permanent limited exclusion orders pursuant to 19 U.S.C. § 1337(d) forbidding entry into the United States of vaporizer devices, cartridges used therewith, and components thereof that infringe one or more claims of the Asserted Patent and are manufactured, imported, sold for importation, and/or sold after importation by or on behalf of Respondents, their subsidiaries, related companies, and agents;

(d) Issue permanent cease and desist orders pursuant to 19 U.S.C. § 1337(f) prohibiting Respondents, their domestic subsidiaries, related companies, and agents from engaging in the importation, sale for importation, marketing and/or advertising, distribution, offering for sale, sale, use after importation, sale after importation, and other transfer within the United States (except for exportation) of vaporizer devices, cartridges used therewith, and components thereof that infringe one or more claims of the Asserted Patent;

(e) Impose a bond pursuant to 19 U.S.C. § 1337(j) on the importation of any vaporizer devices, cartridges used therewith, and components thereof that infringe one or more claims of the Asserted Patent during the 60-day Presidential review period;

(f) Issue such other and further relief as the Commission deems just and proper under the law, based on the facts determined by the investigation and the authority of the Commission.

Dated: August 8, 2025

Respectfully submitted,

/s/ Michael T. Renaud

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Adam S. Rizk

William Meunier

Samuel Davenport

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*JUUL Labs, Inc.*

UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C.

In the Matter of

CERTAIN VAPORIZER DEVICES, CARTRIDGES  
USED THEREWITH, AND COMPONENTS  
THEREOF

Investigation No. 337-TA-\_\_\_\_\_

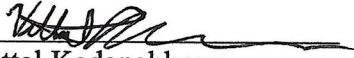
VERIFICATION OF COMPLAINT

I, **Vittal Kadapakkam**, am the Chief Financial Officer at of JUUL Labs, Inc. and am duly authorized to execute this verification of the accompanying Complaint under Section 337 of the Tariff Act of 1390, as Amended, on behalf of Complainant JUUL Labs, Inc.

I have read the Complaint and am aware of its contents. I hereby declare, in accordance with 19 C.F.R. § 210.12(a)(1), that to the best of my knowledge, information, and belief and based upon a reasonable inquiry under the circumstances:

1. The allegations contained in the Complaint are well grounded in fact and have evidentiary support, or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery;
2. The claims and other legal contentions set forth in the Complaint are warranted by existing laws or by a good faith, non-frivolous argument for extension, modification, or reversal of existing law, or by the establishment of new law; and
3. The Complaint is not being filed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation.

Executed on August 8, 2025

  
Vittal Kadapakkam  
Chief Financial Officer  
JUUL Labs, Inc.