

The Commission has decided to re-open its online portal for the limited purpose of allowing members of the public to submit comments on petitions that the Commission has categorized as Category VI petitions in its preliminary report. The Commission will re-open the portal for this limited purpose on June 12, 2020, at 8:45 a.m. and close the portal on June 22, 2020, at 5:15 p.m. As discussed below, the Commission will accept only information from the public that relates to the Commission's decision to place a petition into Category VI.

*Content of Comments:* The public will be able to comment on the administrability of the article descriptions in a petition, the existence of domestic producer objections to a petition, and other issues affecting the placement of a petition in Category VI. In particular, the Commission seeks input that would clarify the scope of a proposed article description in a Category VI petition, including the constituent materials in the intended merchandise or similar information that would help verify the classification of the goods in chapters 1–97 of the Harmonized Tariff Schedule of the United States (HTS). Similarly, the Commission seeks information that could clarify technical criteria, distinguish the intended article in a petition from other goods in the same rate line, or narrow the scope of an article description to mitigate domestic producer objections as contemplated by the Act's description of Category IV. The Commission will not consider comments that seek to broaden or materially amend the nature of the goods covered in the original article description.

#### Procedures for Filing a Comment

*Who may file.* Any member of the public may file comments, including the firm or its representative who filed the petition. However, the Commission will consider only comments that relate to petitions listed under Category VI in the preliminary report that the Commission submits to the Committees on June 9, 2020. The Commission will not consider comments that relate to petitions listed under Categories I, II, III, IV, and V in the preliminary report.

*Method for filing.* Comments must be filed electronically via the Commission's designated secure web portal and in the format designated by the Commission in that portal. You may access the portal through the Commission's website at <https://mtbps.usitc.gov>. The portal contains a series of prompts and links that will assist persons in providing the required

information. The Commission will not accept or consider comments submitted in paper or in any other form or format. Comments must contain all information required in the portal in order to be considered properly filed. Comments, including any attachments thereto, must otherwise comply with the Commission's Rules of Practice and Procedure, as further explained in the Commission's Handbook on MTB Filing Procedures. Persons seeking to comment on more than one petition must submit a separate comment for each petition.

Persons filing comments should be aware that they must be prepared to complete their entire comment when they enter the portal. The portal will not allow them to edit, amend, or complete the comment at a later time.

*Time for filing.* To be considered, comments must be filed no earlier than June 12, 2020, at 8:45 a.m. and no later than the close of business (5:15 p.m. EST) on June 22, 2020. The Commission will not accept comments filed before or after these dates and times.

*Amendment and withdrawal of comments.* The Commission's secure web portal will not allow a person who has formally submitted a comment during this filing period to amend that comment. Instead, that person must withdraw the original comment and file a new comment that incorporates the changes. The new comment must be filed before 5:15 p.m. EST on June 22, 2020. Comments may not be withdrawn or amended after that time.

*Comments containing confidential business information.* The portal will permit persons submitting comments to claim that certain information should be treated either as confidential business information or as information protected from disclosure under the Privacy Act, 5 U.S.C. 552, (e.g., a home address). However, because of the portal's design, the portal instructs that such information not be included in attachments to comments. Persons who include what they regard as confidential business information, or information protected under the Privacy Act, in attachments to their comments will be presumed to have waived any privilege and the information will be disclosed to the public when the comments and attachments are posted on the Commission's website. See further information below on possible disclosure of confidential business information.

*Confidential Business Information:* The Commission will not release information which the Commission considers to be confidential business information within the meaning of Rule 201.6(a) of its Rules of Practice and

Procedure (19 CFR 201.6) unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the Commission, or such party subsequently consents to the release of the information.

Confidential business information submitted to the Commission in comments may be disclosed to or used by (1) the Commission in calculating the estimated revenue loss required under the Act, which may be based in whole or in part on the estimated values of imports submitted in comments, as well as by petitioners in their petitions; (2) the Commission, its employees, and contract personnel (a) in processing petitions and comments and preparing reports under the Act 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; (3) Commerce, for use in preparing its report to the Commission and the Committees, and the U.S. Department of Agriculture and CBP for use in providing information for that report; or (4) U.S. government employees and contract personnel, solely for cybersecurity purposes, subject to the requirement that all contract personnel will sign appropriate nondisclosure agreements.

By order of the Commission.

Issued: April 20, 2020.

**William Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2020–08673 Filed 4–23–20; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–501 (Review)]

### Chlorinated Isocyanurates From China Determination

On the basis of the record<sup>1</sup> developed in the subject five-year review, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the countervailing duty order on chlorinated isocyanurates from China would be likely to lead to continuation or recurrence of material injury to an

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

industry in the United States within a reasonably foreseeable time.<sup>2</sup>

## Background

The Commission instituted this review on October 1, 2019 (84 FR 52132) and determined on January 6, 2020 that it would conduct an expedited review (85 FR 14704, March 13, 2020).

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on April 20, 2020. The views of the Commission are contained in USITC Publication 5044 (April 2020), entitled *Chlorinated Isocyanurates from China: Investigation No. 701-TA-501 (Review)*.

By order of the Commission.

Issued: April 20, 2020.

**William Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2020-08690 Filed 4-23-20; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1139]

### Certain Electronic Nicotine Delivery Systems and Components Thereof; Issuance of Limited 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 issue a limited exclusion order ("LEO") and cease and desist orders ("CDOs") directed to respondent Eonsmoke, LLC ("Eonsmoke") and defaulted respondent XFire, Inc. ("XFire") in the above-captioned investigation. The investigation is terminated in its entirety.

#### FOR FURTHER INFORMATION CONTACT:

Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202-205-2392. 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 December 13, 2018, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on a complaint filed on behalf of Juul Labs, Inc. ("JLI") of San Francisco, California. 83 FR 64156 (Dec. 13, 2018). The complaint, as amended and supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic nicotine delivery systems and components thereof by reason of infringement of certain claims of U.S. Patent Nos.: 10,070,669 ("the '669 patent"); 10,076,139 ("the '139 patent"); 10,045,568 ("the '568 patent"); 10,058,130 ("the '130 patent"); and 10,104,915 ("the '915 patent") (collectively, "the Asserted Patents"). *Id.* The Commission's notice of investigation named twenty-one respondents, including Eonsmoke of Clifton, New Jersey and XFire of Stafford, Texas. *Id.* at 64157. The Office of Unfair Import Investigations ("OUII") is also a party to the investigation.

On February 25, 2019, the ALJ granted JLI's motion to amend the complaint and notice of investigation to change the name of respondent Bo Vaping of Garden City, New York to ECVD/MMS Wholesale LLC of Garden City, New York and the name of respondent MMS Distribution LLC of Rock Hill, New York to MMS/ECVD LLC of Garden City, New York. *See* Order No. 8 (Feb. 25, 2019), *not rev'd* by Comm'n Notice (Mar. 25, 2019).

On February 28, 2019, the ALJ granted a motion to amend the complaint and notice of investigation to change the name of respondent Limitless Mod Co. of Simi Valley, California to Limitless MOD, LLC of Simi Valley, California. *See* Order No. 10 (Feb. 28, 2019), *not rev'd* by Comm'n Notice (Mar. 27, 2019).

On May 21, 2019, the ALJ granted a motion to amend the complaint and notice of investigation to change the name of respondent Ziip Lab Co., Ltd. of Guangdong Province, China to SS Group Holdings of Guangdong Province, China. *See* Order No. 26 (May 21, 2019), *not rev'd* by Comm'n Notice (June 14, 2019).

Before the evidentiary hearing, JLI settled with the following eight

respondents: J Well France S.A.S. of Paris, France; ECVD/MMS Wholesale LLC; MMS/ECVD LLC; The Electric Tobacconist, LLC of Boulder, Colorado; ALD Group Limited of Guangdong Province, China; Flair Vapor LLC of South Plainfield, New Jersey; Shenzhen Joecig Technology Co., Ltd. of Guangdong Province, China; and Myle Vape Inc. of Jamaica, New York. *See* Order No. 13 (Mar. 12, 2019), *not rev'd* by Comm'n Notice (Apr. 5, 2019); Order No. 16 (Mar. 21, 2019), *not rev'd* by Comm'n Notice (Apr. 4, 2019); Order No. 31 (July 30, 2019), *not rev'd* by Comm'n Notice (Aug. 23, 2019); Order No. 32 (July 30, 2019), *not rev'd* by Comm'n Notice (Aug. 23, 2019); Order No. 33 (July 30, 2019), *not rev'd* by Comm'n Notice (Aug. 23, 2019); Order No. 34 (July 30, 2019), *not rev'd* by Comm'n Notice (Aug. 23, 2019).

In addition, the investigation terminated as to the following six respondents based on a consent order stipulation and the issuance of a consent order: Vapor Hub International, Inc. of Simi Valley, California; Limitless MOD, LLC; Asher Dynamics, Inc. of Chino, California; Ply Rock of Chino, California; Infinite-N Technology Limited of Guangdong Province, China; and King Distribution LLC of Elmwood Park, New Jersey. *See* Order No. 9 (Feb. 27, 2019), *not rev'd* by Comm'n Notice (Mar. 27, 2019); Order No. 11 (Feb. 28, 2019), *not rev'd* by Comm'n Notice (Mar. 26, 2019); Order No. 18 (Mar. 28, 2019), *not rev'd* by Comm'n Notice (Apr. 11, 2019); Order No. 20 (Apr. 2, 2019), *not rev'd* by Comm'n Notice (Apr. 15, 2019).

On April 23, 2019, the ALJ found respondent XFire in default pursuant to Commission Rule 210.16(b), 19 CFR 210.16(b). *See* Order No. 22 (Apr. 23, 2019), *not rev'd* by Comm'n Notice (May 16, 2019). At the time XFire was found in default, it was accused of infringing claims 1, 2, 4, 5, 7, 8, 10, 12, 13, 16, 17, 20, and 21 of the '669 patent; claims 1, 2, 3, 4, 9, 10, 11, 13, 14, 19, 20, 21, 24, 28, and 29 of the '139 patent; and claims 1, 2, 3, 4, 6, 9, 11, 12, 18, 19, 20, 21, 22, 23, and 27 of the '915 patent (collectively, "the Asserted XFire Claims").

Also, prior to the evidentiary hearing, the ALJ granted JLI's motion for partial termination of the investigation with respect to allegations of infringement as to all asserted claims of the '139 patent and certain asserted claims of the other Asserted Patents. *See* Order No. 36 (Aug. 8, 2019), *not rev'd* by Comm'n Notice (Sep. 5, 2019). As a result, the following claims remain at issue in the investigation: claims 1, 2, and 13 of the '669 patent; claims 12, 17, and 20 of the

<sup>2</sup> Commissioner Jason E. Kearns not participating.