



Portfolio Media. Inc. | 111 West 19th Street, 5th floor | New York, NY 10011 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

ITC To Probe Imports Of Cannabis Oil-Vaping Products

By **Grace Dixon**

Law360 (November 5, 2021, 7:50 PM EDT) -- The U.S. International Trade Commission has announced that it plans to look into whether 38 manufacturers' imports of oil-vape cartridges used to smoke cannabis and THC infringe four patents held by Shenzhen Smoore Technology Limited.

The ITC agreed on Thursday to launch a probe of complaints over imports of certain "oil-vaping cartridges having a liquid reservoir for containing a vaporizable oil" and Smoore's allegations that the dozens of companies based across the country and internationally are violating Section 337 of the Tariff Act of 1930.

Filed in early October, Smoore's complaint accuses companies based across the U.S., Canada and Hong Kong of infringing on a series of patents it holds that cover electronic cigarettes, electronic cigarette atomizers, a method for manufacturing the components and a material used for the components.

"Smoore has sought and obtained patent protection in the United States for its numerous vaporization technology and vaporizer designs over the years, including the inventions claimed in the asserted patents," Smoore said in its October complaint. "To the contrary, the accused products are usually low quality copies of Smoore's vaping innovative patented and trademarked technologies, using uncertified raw materials, manufactured by unidentified, shady and uncertified suppliers."

Oil-vape cartridges are small units that are filled with oil, often cannabis or THC oil. The cartridge attaches to a battery component that heats up the oil and releases the active ingredients in a vapor form that users can inhale.

Smoore noted that its technology is commonly used for both medical and recreational cannabis use in the 36 states that have legalized medical cannabis and 18 states that have greenlighted adult recreational use, plus Washington, D.C. The patents instead claim compatibility with "tobacco flavored liquid."

Smoore urged the ITC to issue a limited exclusion order as well as a permanent cease-and-desist order, arguing that the two are needed to create a safe vaping supply chain.

"Smoore['s] requested remedial orders will benefit the consumers by providing high quality cannabis vaping cartridges," Smoore told the court, adding that the order would reduce risks associated with accused products "such as heavy metals, leaking and burning."

The ITC notice names BBTank USA LLC, Glo Extracts, BulkCarts.com, Greenwave Naturals LLC, Boldcarts.com, Bold Crafts Inc., Blinc Group Holdings LLC, AVD Holdings Limited, Hanna Carfield, Next Level Ventures LLC, Advanced Vapor Devices LLC, avd710.com, AlderEgo Group Limited, A&A Global Imports Inc., Bulk Natural LLC, Brand King LLC, ZTCSTOKE USA Inc., headcandysmokeship.com, Head Candy Enterprise Ltd., Green Tank Technologies Corp., Canary Packaging Inc., Cannary LA, dcalchemy.com, DC Alchemy LLC, Cartridgesforsale.com, HW Supply LLC, International Vapor Group LLC, Obsidian Supply Inc., Ygreeninc.com, Ygreen Inc., Atmost Nation LLC, shopbv.com, Best Value Vacs LLC, Royalsupplywholesale.com, Customcannabisbranding.com, CLK Global Inc., iKrusher.com and The Calico Group Inc.

Counsel for Shenzhen did not respond to a request for comment on Friday.

The patents at issue are U.S. Patent Nos. 10,357,623; 10,791,763; 10,791,762; and 5,633,060.

Shenzhen is represented by Lyle B. Vander Schaff of Crowell & Moring LLP.

Counsel information for the named respondents was not immediately available.

The case is Matter Of Certain Oil-Vaping Cartridges, Components Thereof and Products Containing The Same.

Editing by Steven Edelstone.

All Content © 2003-2021, Portfolio Media, Inc.