

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN TONER CARTRIDGES,
COMPONENTS THEREOF, AND
SYSTEMS CONTAINING SAME**

Investigation No. 337-TA-1174

GENERAL EXCLUSION ORDER

The United States International Trade Commission (“Commission”) has determined that there is a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the unlawful importation, sale for importation, or sale within the United States after importation of certain toner cartridges, components thereof, and systems containing same (as defined in paragraph 2 below) that infringe one or more of claims 1-5, 10, and 12-15 of U.S. Patent No. 9,785,093 (“the ’093 patent”); claims 1, 7-11, 15, and 16 of U.S. Patent No. 9,575,460 (“the ’460 patent”); claims 1-7, and 9 of U.S. Patent No. 9,568,856 (“the ’856 patent”); claims 1, 4, 5, and 9 of U.S. Patent No. 9,632,456 (“the ’456 patent”); and claims 1, 3, 5, 7-12, and 18 of U.S. Patent No. 9,846,387 (“the ’387 patent”).

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that a general exclusion from entry for consumption is necessary (1) to prevent circumvention of an exclusion order limited to products of named persons and (2) because there is a pattern of violation of Section 337 and it is difficult to identify the source of the infringing products. Accordingly, the Commission has determined

to issue a general exclusion order prohibiting the unlicensed importation of infringing toner cartridges, components thereof, and systems containing same.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(d) do not preclude the issuance of the general exclusion order. The bond during the period of Presidential review shall be in the amount of the following percentages of the entered value for respondents AMI Brother, Inc. (“AMI”), Aster Graphics, Inc. (“Aster”), and Globest Trading Inc. (“Globest”):

Infringing Products	AMI	Aster	Globest
Accused 221/225 Products	568%	1463%	900%
Accused 223/227 Products	274%	336%	372%
Accused 420/450 Products	-	623%	682%
Accused 630/660 Products	575%	886%	635%
Accused 730/760/770 Products	589%	354%	369%

The bond during the period of Presidential review shall be in the amount of one hundred (100%) percent of the entered value for all other infringing articles subject to this Order.

Accordingly, the Commission hereby **ORDERS** that:

1. Toner cartridges, components thereof, and systems containing same (as defined in paragraph 2 below) that infringe one or more of claims 1-5, 10, and 12-15 of the '093 patent; claims 1, 7-11, 15, and 16 of the '460 patent; claims 1-7, and 9 of the '856 patent; claims 1, 4, 5, and 9 of the '456 patent; and claims 1, 3, 5, 7-12, and 18 of the '387 patent are excluded from entry for consumption into the United States, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, for the remaining terms of the patents, except under license from, or with the permission of, the patent owner or as provided by law.
2. The toner cartridges, components thereof, and systems containing the same that are subject to this Order (*i.e.*, “covered articles”) are as follows: laser toner

cartridges designed for use with Brother printers, fax machines, and MFCs (“Multi-Function Centers”).

3. Notwithstanding paragraph 1 of this Order, covered articles are entitled to entry into the United States for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption under bond in the amount of the following percentages of the entered value for respondents AMI, Aster, and Globest:

Infringing Products	AMI	Aster	Globest
Accused 221/225 Products	568%	1463%	900%
Accused 223/227 Products	274%	336%	372%
Accused 420/450 Products	-	623%	682%
Accused 630/660 Products	575%	886%	635%
Accused 730/760/770 Products	589%	354%	369%

and in the amount of one hundred percent (100%) of the entered value for all other covered articles, pursuant to subsection (j) of Section 337 (19 U.S.C. § 1337(j)) and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 *Fed. Reg.* 43,251), from the day after this Order is received by the United States Trade Representative until such time as the United States Trade Representative notifies the Commission that this Order is approved or disapproved but, in any event, not later than sixty (60) days after the date of receipt of this Order. All entries of covered articles made pursuant to this paragraph are to be reported to U.S. Customs and Border Protection (“CBP”), in advance of the date of the entry, pursuant to procedures CBP establishes.

4. At the discretion of CBP and pursuant to the procedures it establishes, persons seeking to import covered articles that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraph 1 of this Order. At its discretion, CBP may require persons who have provided the certification described in this paragraph to furnish such records or analyses as are necessary to substantiate the certification.
5. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to covered articles that are imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.
6. The Commission may modify this Order in accordance with the procedures described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).
7. The Secretary shall serve copies of this Order upon each party of record in this investigation that has retained counsel or otherwise provided a point of contact for electronic service and upon CBP. While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rule 201.16(a) and 210.7(a)(1) (19 C.F.R. §§ 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant complete service of this Order for any party without a

method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

8. Notice of this Order shall be published in the Federal Register.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: November 23, 2020

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER, COMMISSION** has been served via EDIS upon the Commission Investigative Attorney, **Jennifer Dienes, Esq.**, and the following parties as indicated, on **November 23, 2020**.



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

On Behalf of Complainants Brother Industries, Ltd., Brother International Corporation (U.S.A.), and Brother Industries (U.S.A.), Inc.:

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

On Behalf of Respondent Aster Graphics, Inc.:

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On Behalf of Respondents AMI Brothers, Inc. and Globest Trading Inc.:

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- Other: Email Notification of Availability for Download

On Behalf of Respondent LD Products, Inc.

Steven E. Adkins, Esq.

- Via Hand Delivery

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Certificate of Service – Page 2

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Respondents:

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16 Argyle Street, Mongkok, Kowloon,
Hong Kong 999077

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- Via First Class Mail
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Aztech Enterprises Limited
Units 1206, 12/F, Hheuk Nang Center
9 Hillwood Road
Kowloon, Hong Kong 999077

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- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

Billiontree Technology USA Inc.
19945 Harrison Avenue
City of Industry, CA 91789

- Via Hand Delivery
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Carlos Imaging Supplies, Inc.
PMB 540
17128 Colima Road
Hacienda Heights, CA 91745

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- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

Do It Wiser, LLC
2422 Old Capital Trail
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Wilmington, DE 19808

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

Eco Imaging Inc.
PMB A839
14252 culver Drive
Irvine, AC 92604

- Via Hand Delivery
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- Other: Service to Be

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Ecoolmart Co.
PMB 322
17360 Colima Road
Rowland Heights, CA 91748

Completed by Complainants

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 Other: Service to Be
Completed by Complainants

Greencycle Tech, Inc.
9638 Rush Street, Unit E
South El Monte, CA 91733

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Hongkong Boze Co., Ltd.
Flat/Room A 27/F, Billion Plaza 2,
10 Cheung Yee Street, Lai Chi Kok,
Kowloon, Hong Kong 999077

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

I8 International, Inc.
19961 Harrison Avenue
City of Industry, CA 91789

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Ikong E-Commerce
PMB 429, 385 South Lemon Avenue
Suite E
Walnut, CA 91789

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Intercon International Corp.
PMB 109, 407 West Imperial Highway
Suite H
Brea, CA 92821

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

IPrint Enterprise Limited
Rooms 1318-19, 13/F Hollywood Plaza
610 Nathan Road, Mongkok, Kowloon,
Hong Kong 999077

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail

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Mangoket LLC
1641 West Main Street
Suite 222
Alhambra, CA 91801

Other: Service to Be
Completed by Complainants

Via Hand Delivery
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 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Solong E-Commerce Co., LLC
Flat/Room 19C, Lockhart Center,
301-307 Lockhart Road, Wan Chai
Hong Kong 999077

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Smartjet E-Commerce Co., LLC
Flat/Room A 20/F, Kiu Fu Commercial Building,
300 Lockhart Road, Wan Chai
Hong Kong 999077

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Super Warehouse Inc.
1160 Yew Avenue
DSS-5179
Blaine, WA 98230

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: Service to Be
Completed by Complainants

Zhuhai Xiaohui E-Commerce., Ltd.
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Nanping Keji Industrial Park, Xiangzhou District,
Zhuhai, China 519000

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 Via First Class Mail
 Other: Service to Be
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