In the Matter of
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

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”):

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

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:

<table>
<thead>
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<th>Globest</th>
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<tr>
<td>Accused 730/760/770 Products</td>
<td>589%</td>
<td>354%</td>
<td>369%</td>
</tr>
</tbody>
</table>

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.

Lisa R. Barton
Secretary to the Commission

Issued: November 23, 2020
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

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.: Lisa M. Kattan, Esq.
BAKER BOTTS L.L.P.
700 K Street, NW
Washington, DC 20001
Email: lisa.kattan@bakerbotts.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

On Behalf of Respondent Aster Graphics, Inc.: Barbara A. Murphy, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
1150 18th Street NW, Suite 775
Washington, DC 20036
Email: bmurphy@fostermurphy.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

On Behalf of Respondents AMI Brothers, Inc. and Globest Trading Inc.: Gary M. Hnath, Esq.
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Email: ghnath@mayerbrown.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

On Behalf of Respondent LD Products, Inc.
Steven E. Adkins, Esq.
☐ Via Hand Delivery
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Inv. No. 337-TA-1174

Certificate of Service – Page 2

McGUIREWOODS LLP
2001 K Street, NW, Suite 400
Washington, DC 20006
Email: seadkins@mcguirewoods.com

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

Respondents:

An An Beauty Limited
Flat/Room 2104 21/F, Mongkok Commercial Centre
16 Argyle Street, Mongkok, Kowloon,
Hong Kong 999077

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

Aztech Enterprises Limited
Units 1206, 12/F, Hheuk Nang Center
9 Hillwood Road
Kowloon, Hong Kong 999077

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

Carlos Imaging Supplies, Inc.
PMB 540
17128 Colima Road
Hacienda Heights, CA 91745

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

Do It Wiser, LLC
2422 Old Capital Trail
Suite 747
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
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Certificate of Service – Page 3

Completed by Complainants

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

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

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

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

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

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

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

Iprint Enterprise Limited
Rooms 1318-19, 13/F Hollywood Plaza
610 Nathan Road, Mongkok, Kowloon,
Hong Kong 999077
Mangoket LLC  
1641 West Main Street  
Suite 222  
Alhambra, CA 91801

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

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

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

Zhuhai Xiaohui E-Commerce., Ltd.  
Room 502, Factory five, No. 12, Pingdong 3rd Road  
Nanping Keji Industrial Park, Xiangzhou District,  
Zhuhai, China 519000
CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Aster Graphics, Inc. cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of toner cartridges, components thereof, and systems containing same (as defined in Definition (G) 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”) (collectively, “the Asserted Patents”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.
(B) “Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.

(C) “Respondent” shall mean Aster Graphics, Inc.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges, components thereof, and systems containing same 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. The toner cartridges, components thereof, and systems containing the same that are subject to this Order are as follows: laser toner cartridges designed for use with Brother printers, fax machines, and MFCs (“Multi-Function Centers”). Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and
assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, infra, for, with, or otherwise on behalf of, Respondent.

III.
Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.

For the remaining terms of the Asserted Patents, Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered products;

(C) advertise imported covered products;

(D) solicit U.S. agents or distributors for imported covered products; or

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV.
Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

(A) in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or

(B) such specific conduct is related to the importation or sale of covered products by or for the United States.

V.
Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this
section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 C.F.R. § 210.4(f) are currently waived. 85 Fed. Reg. 15798 (March 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1174”) in a prominent place on the cover pages and/or the first page. See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on電子ncronic_filing.pdf. Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.¹

¹ Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent’s principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

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 Rules 201.16(a) and 210.7(a)(1) (19 CFR 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).

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

**IX. Enforcement**

Violation of this order may result in any of the actions specified in section 210.75 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

**X. Modification**

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

**XI. Bonding**

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent’s posting of a bond in the amount of 1463 percent of entered value for infringing 221/225 Products, 336 percent of entered value for infringing 223/227 Products, 623 percent of entered value for infringing 420/450 Products, 886 percent of entered value for infringing 630/660 Products, and 354 percent of entered value for infringing 730/760/770 Products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products
imported on or after the date of issuance of this Order are subject to the entry bond as set forth in
the exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the
Commission for the posting of bonds by complainants in connection with the issuance of
temporary exclusion orders. (See 19 C.F.R. § 210.68.) The bond and any accompanying
documentation are to be provided to and approved by the Commission prior to the
commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the
Secretary’s acceptance of the bond, (a) the Secretary will serve an acceptance letter on all
parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on
Complainant’s counsel.  

The bond is to be forfeited in the event that the United States Trade Representative
approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court
of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final
determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the
products subject to this bond and provides certification to that effect that is satisfactory to the
Commission.

This bond is to be released in the event (i) the United States Trade Representative
disapproves this Order and no subsequent order is issued by the Commission and approved (or
not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for
the Federal Circuit, in a final judgment, reverses any Commission final determination and order
as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this
bond and provides certification to that effect that is satisfactory to the Commission, upon service

\[2 \text{ See Footnote 1.}\]
on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By order of the Commission.

[Signature]
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.:

Lisa M. Kattan, Esq.
BAKER BOTTs L.L.P.
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Washington, DC 20001
Email: lisa.kattan@bakerbotts.com

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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.:

Barbara A. Murphy, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
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Washington, DC 20036
Email: bmurphy@fostermurphy.com

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

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

Gary M. Hnath, Esq.
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Email: ghnath@mayerbrown.com

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

On Behalf of Respondent LD Products, Inc.

Steven E. Adkins, Esq.

☐ Via Hand Delivery
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Certificate of Service – Page 2

McGUIREWOODS LLP
2001 K Street, NW, Suite 400
Washington, DC 20006
Email: seadkins@mcguirewoods.com

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

Respondents:

An An Beauty Limited
Flat/Room 2104 21/F, Mongkok Commercial Centre
16 Argyle Street, Mongkok, Kowloon,
Hong Kong 999077

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

Aztech Enterprises Limited
Units 1206, 12/F, Hheuk Nang Center
9 Hillwood Road
Kowloon, Hong Kong 999077

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

Carlos Imaging Supplies, Inc.
PMB 540
17128 Colima Road
Hacienda Heights, CA 91745

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

Do It Wiser, LLC
2422 Old Capital Trail
Suite 747
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
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be
<table>
<thead>
<tr>
<th>Complainants</th>
<th>Address</th>
<th>Delivery Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ecoolmart Co.</td>
<td>PMB 322, 17360 Colima Road, Rowland Heights, CA 91748</td>
<td>☑ Other: Service to Be Completed by Complainants</td>
</tr>
<tr>
<td>Greencycle Tech, Inc.</td>
<td>9638 Rush Street, Unit E, South El Monte, CA 91733</td>
<td>☑ Other: Service to Be Completed by Complainants</td>
</tr>
<tr>
<td>Hongkong Boze Co., Ltd.</td>
<td>Flat/Room A 27/F, Billion Plaza 2, 10 Cheung Yee Street, Lai Chi Kok, Kowloon, Hong Kong 999077</td>
<td>☑ Other: Service to Be Completed by Complainants</td>
</tr>
<tr>
<td>I8 International, Inc.</td>
<td>19961 Harrison Avenue, City of Industry, CA 91789</td>
<td>☑ Other: Service to Be Completed by Complainants</td>
</tr>
<tr>
<td>Ikong E-Commerce</td>
<td>PMB 429, 385 South Lemon Avenue, Suite E, Walnut, CA 91789</td>
<td>☑ Other: Service to Be Completed by Complainants</td>
</tr>
<tr>
<td>Intercon International Corp.</td>
<td>PMB 109, 407 West Imperial Highway, Suite H, Brea, CA 92821</td>
<td>☑ Other: Service to Be Completed by Complainants</td>
</tr>
<tr>
<td>IPrint Enterprise Limited</td>
<td>Rooms 1318-19, 13/F Hollywood Plaza, 610 Nathan Road, Mongkok, Kowloon, Hong Kong 999077</td>
<td>☑ Other: Service to Be Completed by Complainants</td>
</tr>
</tbody>
</table>
Mangoket LLC  
1641 West Main Street  
Suite 222  
Alhambra, CA 91801

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

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

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

Zhuhai Xiaohui E-Commerce., Ltd.  
Room 502, Factory five, No. 12, Pingdong 3rd Road  
Nanping Keji Industrial Park, Xiangzhou District,  
Zhuhai, China 519000

☒ Other: Service to Be  
Completed by Complainants

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

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

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

☐ Via Hand Delivery  
☐ Via Express Delivery  
☐ Via First Class Mail  
☒ Other: Service to Be  
Completed by Complainants
In the Matter of

CERTAIN TONER CARTRIDGES,
COMPONENTS THEREOF, AND
SYSTEMS CONTAINING SAME

Investigation No. 337-TA-1174

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT AMI Brothers, Inc. cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of toner cartridges, components thereof, and systems containing same (as defined in Definition (G) 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”) (collectively, “the Asserted Patents”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.
(B) “Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.

(C) “Respondent” shall mean AMI Brothers, Inc.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges, components thereof, and systems containing same 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. The toner cartridges, components thereof, and systems containing the same that are subject to this Order are as follows: laser toner cartridges designed for use with Brother printers, fax machines, and MFCs ("Multi-Function Centers"). Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and
assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, infra, for, with, or otherwise on behalf of, Respondent.

III.
Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order. For the remaining terms of the Asserted Patents, Respondent shall not:

(A) import or sell for importation into the United States covered products;
(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered products;
(C) advertise imported covered products;
(D) solicit U.S. agents or distributors for imported covered products; or
(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV.
Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

(A) in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
(B) such specific conduct is related to the importation or sale of covered products by or for the United States.

V.
Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this
section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 C.F.R. § 210.4(f) are currently waived. 85 Fed. Reg. 15798 (March 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1174”) in a prominent place on the cover pages and/or the first page. See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf. Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.1

1 Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent’s principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

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 Rules 201.16(a) and 210.7(a)(1) (19 CFR 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).

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII.
Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent’s posting of a bond in the amount of 568 percent of entered value for infringing 221/225 Products, 274 percent of entered value for infringing 223/227 Products, 575 percent of entered value for infringing 630/660 Products, and 589 percent of entered value for infringing 730/760/770 Products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are
subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (See 19 C.F.R. § 210.68.) The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary’s acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant’s counsel.2

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service

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2 See Footnote 1.
on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By order of the Commission.

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.:  

Lisa M. Kattan, Esq.
BAKER BOTTS L.L.P.
700 K Street, NW
Washington, DC 20001
Email: lisa.kattan@bakerbotts.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

On Behalf of Respondent Aster Graphics, Inc.:  

Barbara A. Murphy, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
1150 18th Street NW, Suite 775
Washington, DC 20036
Email: bmurphy@fostermurphy.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

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

Gary M. Hnath, Esq.
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Email: ghnath@mayerbrown.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

On Behalf of Respondent LD Products, Inc.:  

Steven E. Adkins, Esq.
☐ Via Hand Delivery
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Inv. No. 337-TA-1174

Certificate of Service – Page 2

McGUIREWOODS LLP
2001 K Street, NW, Suite 400
Washington, DC 20006
Email: seadkins@mcguirewoods.com

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

Respondents:

An An Beauty Limited
Flat/Room 2104 21/F, Mongkok Commercial Centre
16 Argyle Street, Mongkok, Kowloon,
Hong Kong 999077

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

Aztech Enterprises Limited
Units 1206, 12/F, Hheuk Nang Center
9 Hillwood Road
Kowloon, Hong Kong 999077

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

Carlos Imaging Supplies, Inc.
PMB 540
17128 Colima Road
Hacienda Heights, CA 91745

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

Do It Wiser, LLC
2422 Old Capital Trail
Suite 747
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
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Certificate of Service – Page 3

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

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

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

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

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

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

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

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

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

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

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

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

Zhuhai Xiaohui E-Commerce., Ltd.  
Room 502, Factory five, No. 12, Pingdong 3rd Road  
Nanping Keji Industrial Park, Xiangzhou District,  
Zhuhai, China 519000
In the Matter of
CERTAIN TONER CARTRIDGES,
COMPONENTS THEREOF, AND
SYSTEMS CONTAINING SAME
Investigation No. 337-TA-1174

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Billiontree Technology USA Inc. cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of toner cartridges, components thereof, and systems containing same (as defined in Definition (G) 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") (collectively, “the Asserted Patents”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.
“Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.

“Respondent” shall mean Billiontree Technology USA Inc.

“Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

“United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

The term “covered products” shall mean toner cartridges, components thereof, and systems containing same 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. The toner cartridges, components thereof, and systems containing the same that are subject to this Order are as follows: laser toner cartridges designed for use with Brother printers, fax machines, and MFCs (“Multi-Function Centers”). Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and
assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, or otherwise on behalf of, Respondent.

### III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.

For the remaining terms of the Asserted Patents, Respondent shall not:

- **(A)** import or sell for importation into the United States covered products;
- **(B)** market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered products;
- **(C)** advertise imported covered products;
- **(D)** solicit U.S. agents or distributors for imported covered products; or
- **(E)** aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

### IV. Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

- **(A)** in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
- **(B)** such specific conduct is related to the importation or sale of covered products by or for the United States.

### V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this
section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 C.F.R. § 210.4(f) are currently waived. 85 Fed. Reg. 15798 (March 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1174”) in a prominent place on the cover pages and/or the first page. See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf. Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.¹

¹ Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent’s principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

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 Rules 201.16(a) and 210.7(a)(1) (19 CFR 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).

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

**IX. Enforcement**

Violation of this order may result in any of the actions specified in section 210.75 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

**X. Modification**

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

**XI. Bonding**

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent’s posting of a bond in the amount of 100 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.
The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (See 19 C.F.R. § 210.68.) The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary’s acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant’s counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

² See Footnote 1.
By order of the Commission.

Lisa R. Barton
Secretary to the Commission

Issued: November 23, 2020
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Inv. No. 337-TA-1174

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.:

Lisa M. Kattan, Esq.
BAKER BOTTS L.L.P.
700 K Street, NW
Washington, DC 20001
Email: lisa.kattan@bakerbotts.com

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

On Behalf of Respondent Aster Graphics, Inc.:

Barbara A. Murphy, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
1150 18th Street NW, Suite 775
Washington, DC 20036
Email: bmurphy@fostermurphy.com

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

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

Gary M. Hnath, Esq.
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Email: ghnath@mayerbrown.com

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

On Behalf of Respondent LD Products, Inc.

Steven E. Adkins, Esq.

☐ Via Hand Delivery
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Inv. No. 337-TA-1174

Certificate of Service – Page 2

McGUIREWOODS LLP
2001 K Street, NW, Suite 400
Washington, DC 20006
Email: seadkins@mcguirewoods.com

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☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

Respondents:

An An Beauty Limited
Flat/Room 2104 21/F, Mongkok Commericial Centre
16 Argyle Street, Mongkok, Kowloon,
Hong Kong 999077

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

Aztech Enterprises Limited
Units 1206, 12/F, Hheuk Nang Center
9 Hillwood Road
Kowloon, Hong Kong 999077

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

Carlos Imaging Supplies, Inc.
PMB 540
17128 Colima Road
Hacienda Heights, CA 91745

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

Do It Wiser, LLC
2422 Old Capital Trail
Suite 747
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
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be
Ecoolmart Co.
PMB 322
17360 Colima Road
Rowland Heights, CA 91748

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

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

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

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

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

IPrint Enterprise Limited
Rooms 1318-19, 13/F Hollywood Plaza
610 Nathan Road, Mongkok, Kowloon,
Hong Kong 999077
Mangoket LLC
1641 West Main Street
Suite 222
Alhambra, CA 91801

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

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

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

Zhuhai Xiaohui E-Commerce., Ltd.
Room 502, Factory five, No. 12, Pingdong 3rd Road
Nanping Keji Industrial Park, Xiangzhou District,
Zhuhai, China 519000

☒ Other: Service to Be Completed by Complainants
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be Completed by Complainants
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☒ Other: Service to Be Completed by Complainants
In the Matter of
CERTAIN TONER CARTRIDGES,
COMPONENTS THEREOF, AND
SYSTEMS CONTAINING SAME

Investigation No. 337-TA-1174

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Carlos Imaging Supplies, Inc. cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of toner cartridges, components thereof, and systems containing same (as defined in Definition (G) 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”) (collectively, “the Asserted Patents”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.
(B) “Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.

(C) “Respondent” shall mean Carlos Imaging Supplies, Inc.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges, components thereof, and systems containing same 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. The toner cartridges, components thereof, and systems containing the same that are subject to this Order are as follows: laser toner cartridges designed for use with Brother printers, fax machines, and MFCs (“Multi-Function Centers”). Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and
assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, infra, for, with, or otherwise on behalf of, Respondent.

III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.

For the remaining terms of the Asserted Patents, Respondent shall not:

(A) import or sell for importation into the United States covered products;
(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered products;
(C) advertise imported covered products;
(D) solicit U.S. agents or distributors for imported covered products; or
(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV. Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

(A) in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
(B) such specific conduct is related to the importation or sale of covered products by or for the United States.

V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this
section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 C.F.R. § 210.4(f) are currently waived. 85 Fed. Reg. 15798 (March 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1174”) in a prominent place on the cover pages and/or the first page. See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf. Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.\(^1\)

\(^1\) Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent’s principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

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 Rules 201.16(a) and 210.7(a)(1) (19 CFR 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).

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent’s posting of a bond in the amount of 100 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.
The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (See 19 C.F.R. § 210.68.) The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary’s acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant’s counsel.2

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

---

2 See Footnote 1.
By order of the Commission.

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.:

Lisa M. Kattan, Esq.
BAKER BOTTS L.L.P.
700 K Street, NW
Washington, DC 20001
Email: lisa.kattan@bakerbotts.com

On Behalf of Respondent Aster Graphics, Inc.:

Barbara A. Murphy, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
1150 18th Street NW, Suite 775
Washington, DC 20036
Email: bmurphy@fostermurphy.com

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

Gary M. Hnath, Esq.
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Email: ghnath@mayerbrown.com

On Behalf of Respondent LD Products, Inc.

Steven E. Adkins, Esq.
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Inv. No. 337-TA-1174

Certificate of Service – Page 2

McGUIREWOODS LLP
2001 K Street, NW, Suite 400
Washington, DC 20006
Email: seadkins@mcguirewoods.com

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

Respondents:

An An Beauty Limited
Flat/Room 2104 21/F, Mongkok Commercial Centre
16 Argyle Street, Mongkok, Kowloon,
Hong Kong 999077

☐ Via Hand Delivery
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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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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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Do It Wiser, LLC
2422 Old Capital Trail
Suite 747
Wilmington, DE 19808

☐ Via Hand Delivery
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Eco Imaging Inc.
PMB A839
14252 culver Drive
Irvine, AC 92604

☐ Via Hand Delivery
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☒ Other: Service to Be
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Certificate of Service – Page 3

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

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

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

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

Ikong E-Commerce
PMB 429, 385 South Lemon Avenue
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Intercon International Corp.
PMB 109, 407 West Imperial Highway
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Completed by Complainants
☐ Via Hand Delivery
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☐ Via First Class Mail
Mangoket LLC  
1641 West Main Street  
Suite 222  
Alhambra, CA 91801  

☐ Other: Service to Be Completed by Complainants  
☐ Via Hand Delivery  
☐ Via Express Delivery  
☒ 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  
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Super Warehouse Inc.  
1160 Yew Avenue  
DSS-5179  
Blaine, WA 98230  

☐ Via Hand Delivery  
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Zhuhai Xiaohui E-Commerce., Ltd.  
Room 502, Factory five, No. 12, Pingdong 3rd Road  
Nanping Keji Industrial Park, Xiangzhou District,  
Zhuhai, China 519000  

☐ Via Hand Delivery  
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☒ Other: Service to Be Completed by Complainants
In the Matter of
CERTAIN TONER CARTRIDGES,
COMPONENTS THEREOF, AND
SYSTEMS CONTAINING SAME

Investigation No. 337-TA-1174

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Do it Wiser, LLC cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of toner cartridges, components thereof, and systems containing same (as defined in Definition (G) 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”) (collectively, “the Asserted Patents”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.
(B) “Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.

(C) “Respondent” shall mean Do it Wiser, LLC.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges, components thereof, and systems containing same 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. The toner cartridges, components thereof, and systems containing the same that are subject to this Order are as follows: laser toner cartridges designed for use with Brother printers, fax machines, and MFCs (“Multi-Function Centers”). Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and
assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, \textit{infra}, for, with, or otherwise on behalf of, Respondent.

\textbf{III. Conduct Prohibited}

The following conduct of Respondent in the United States is prohibited by this Order. For the remaining terms of the Asserted Patents, Respondent shall not:

\begin{itemize}
  \item[(A)] import or sell for importation into the United States covered products;
  \item[(B)] market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered products;
  \item[(C)] advertise imported covered products;
  \item[(D)] solicit U.S. agents or distributors for imported covered products; or
  \item[(E)] aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.
\end{itemize}

\textbf{IV. Conduct Permitted}

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

\begin{itemize}
  \item[(A)] in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
  \item[(B)] such specific conduct is related to the importation or sale of covered products by or for the United States.
\end{itemize}

\textbf{V. Reporting}

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this
This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.


Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.¹

¹ Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI.
Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent’s principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII.
Service of Cease and Desist Order

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 Rules 201.16(a) and 210.7(a)(1) (19 CFR 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).

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent’s posting of a bond in the amount of 100 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.
The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (See 19 C.F.R. § 210.68.) The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary’s acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant’s counsel.  

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

\[2 \text{ See Footnote 1.}\]
By order of the Commission.

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.:

Lisa M. Kattan, Esq.
BAKER BOTTS L.L.P.
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Washington, DC 20001
Email: lisa.kattan@bakerbotts.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

On Behalf of Respondent Aster Graphics, Inc.:

Barbara A. Murphy, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
1150 18th Street NW, Suite 775
Washington, DC 20036
Email: bmurphy@fostermurphy.com
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☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

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

Gary M. Hnath, Esq.
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Email: ghnath@mayerbrown.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

On Behalf of Respondent LD Products, Inc.:

Steven E. Adkins, Esq.
☐ Via Hand Delivery
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Inv. No. 337-TA-1174

Certificate of Service – Page 2

McGUIREWOODS LLP
2001 K Street, NW, Suite 400
Washington, DC 20006
Email: seadkins@mcguirewoods.com

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

Respondents:

An An Beauty Limited
Flat/Room 2104 21/F, Mongkok Commercial Centre
16 Argyle Street, Mongkok, Kowloon,
Hong Kong 999077

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

Aztech Enterprises Limited
Units 1206, 12/F, Hheuk Nang Center
9 Hillwood Road
Kowloon, Hong Kong 999077

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

Carlos Imaging Supplies, Inc.
PMB 540
17128 Colima Road
Hacienda Heights, CA 91745

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

Do It Wiser, LLC
2422 Old Capital Trail
Suite 747
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  ☐ Via Express Delivery  ☐ Via First Class Mail  ☒ Other: Service to Be
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Certificate of Service – Page 3

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

☒ 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.
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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
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Hong Kong 999077

☐ Via Hand Delivery
☐ Via Express Delivery
□ Via First Class Mail
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Suite 222  
Alhambra, CA 91801

Solong E-Commerce Co., LLC  
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301-307 Lockhart Road, Wan Chai  
Hong Kong 999077

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

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

Zhuhai Xiaohui E-Commerce., Ltd.  
Room 502, Factory five, No. 12, Pingdong 3rd Road  
Nanping Keji Industrial Park, Xiangzhou District,  
Zhuhai, China 519000

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

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Ecoolsmart Co. cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of toner cartridges, components thereof, and systems containing same (as defined in Definition (G) 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”) (collectively, “the Asserted Patents”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.
(B) “Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.

(C) “Respondent” shall mean Ecoolsmart Co.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges, components thereof, and systems containing same 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. The toner cartridges, components thereof, and systems containing the same that are subject to this Order are as follows: laser toner cartridges designed for use with Brother printers, fax machines, and MFCs (“Multi-Function Centers”). Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II.

Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and
assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, \textit{infra}, for, with, or otherwise on behalf of, Respondent.

\section*{III. Conduct Prohibited}

The following conduct of Respondent in the United States is prohibited by this Order. For the remaining terms of the Asserted Patents, Respondent shall not:

\begin{itemize}
  \item[(A)] import or sell for importation into the United States covered products;
  \item[(B)] market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered products;
  \item[(C)] advertise imported covered products;
  \item[(D)] solicit U.S. agents or distributors for imported covered products; or
  \item[(E)] aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.
\end{itemize}

\section*{IV. Conduct Permitted}

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

\begin{itemize}
  \item[(A)] in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
  \item[(B)] such specific conduct is related to the importation or sale of covered products by or for the United States.
\end{itemize}

\section*{V. Reporting}

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this
section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 C.F.R. § 210.4(f) are currently waived. 85 Fed. Reg. 15798 (March 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1174”) in a prominent place on the cover pages and/or the first page. See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf. Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.¹

¹ Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent’s principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

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 Rules 201.16(a) and 210.7(a)(1) (19 CFR 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).

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent’s posting of a bond in the amount of 100 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.
The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (See 19 C.F.R. § 210.68.) The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary’s acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant’s counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

² See Footnote 1.
By order of the Commission.

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.:

Lisa M. Kattan, Esq.
BAKER BOTTS L.L.P.
700 K Street, NW
Washington, DC 20001
Email: lisa.kattan@bakerbotts.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

On Behalf of Respondent Aster Graphics, Inc.:

Barbara A. Murphy, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
1150 18th Street NW, Suite 775
Washington, DC 20036
Email: bmurphy@fostermurphy.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

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

Gary M. Hnath, Esq.
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Email: ghnath@mayerbrown.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

On Behalf of Respondent LD Products, Inc.

Steven E. Adkins, Esq.
☐ Via Hand Delivery
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Inv. No. 337-TA-1174

Certificate of Service – Page 2

McGUIREWOODS LLP
2001 K Street, NW, Suite 400
Washington, DC 20006
Email: seadkins@mcguirewoods.com

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

Respondents:

An An Beauty Limited
Flat/Room 2104 21/F, Mongkok Commercial Centre
16 Argyle Street, Mongkok, Kowloon,
Hong Kong 999077

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

Aztech Enterprises Limited
Units 1206, 12/F, Hheuk Nang Center
9 Hillwood Road
Kowloon, Hong Kong 999077

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

Carlos Imaging Supplies, Inc.
PMB 540
17128 Colima Road
Hacienda Heights, CA 91745

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Do It Wiser, LLC
2422 Old Capital Trail
Suite 747
Wilmington, DE 19808

☐ Via Hand Delivery
☐ Via Express Delivery
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PMB A839
14252 culver Drive
Irvine, AC 92604

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

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

Hongkong Boze Co., Ltd.
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Walnut, CA 91789

Intercon International Corp.
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Brea, CA 92821

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610 Nathan Road, Mongkok, Kowloon,
Hong Kong 999077
Mangoket LLC  
1641 West Main Street  
Suite 222  
Alhambra, CA 91801

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301-307 Lockhart Road, Wan Chai  
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Smartjet E-Commerce Co., LLC  
Flat/Room A 20/F, Kiu Fu Commercial Building,  
300 Lockhart Road, Wan Chai  
Hong Kong 999077

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

Zhuhai Xiaohui E-Commerce., Ltd.  
Room 502, Factory five, No. 12, Pingdong 3rd Road  
Nanping Keji Industrial Park, Xiangzhou District,  
Zhuhai, China 519000
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

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Eco Imaging Inc. cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of toner cartridges, components thereof, and systems containing same (as defined in Definition (G) 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") (collectively, “the Asserted Patents”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.
(B) “Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.

(C) “Respondent” shall mean Eco Imaging Inc.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges, components thereof, and systems containing same 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. The toner cartridges, components thereof, and systems containing the same that are subject to this Order are as follows: laser toner cartridges designed for use with Brother printers, fax machines, and MFCs (“Multi-Function Centers”). Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and
assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, or otherwise on behalf of, Respondent.

### III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.

For the remaining terms of the Asserted Patents, Respondent shall not:

- **(A)** import or sell for importation into the United States covered products;
- **(B)** market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered products;
- **(C)** advertise imported covered products;
- **(D)** solicit U.S. agents or distributors for imported covered products; or
- **(E)** aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

### IV. Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

- **(A)** in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
- **(B)** such specific conduct is related to the importation or sale of covered products by or for the United States.

### V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this
section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 C.F.R. § 210.4(f) are currently waived. 85 Fed. Reg. 15798 (March 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1174”) in a prominent place on the cover pages and/or the first page. See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf. Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.1

1 Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent’s principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

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 Rules 201.16(a) and 210.7(a)(1) (19 CFR 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).

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent’s posting of a bond in the amount of 100 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.
The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (See 19 C.F.R. § 210.68.) The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary’s acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant’s counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

² See Footnote 1.
By order of the Commission.

Lisa R. Barton
Secretary to the Commission

Issued: November 23, 2020
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

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.:

Lisa M. Kattan, Esq.
BAKER BOTTS L.L.P.
700 K Street, NW
Washington, DC 20001
Email: lisa.kattan@bakerbotts.com

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

On Behalf of Respondent Aster Graphics, Inc.:

Barbara A. Murphy, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
1150 18th Street NW, Suite 775
Washington, DC 20036
Email: bmurphy@fostermurphy.com

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

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

Gary M. Hnath, Esq.
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Email: ghnath@mayerbrown.com

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

On Behalf of Respondent LD Products, Inc.

Steven E. Adkins, Esq.

☐ Via Hand Delivery
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Inv. No. 337-TA-1174

Certificate of Service – Page 2

McGUIREWOODS LLP
2001 K Street, NW, Suite 400
Washington, DC 20006
Email: seadkins@mcguirewoods.com

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

Respondents:

An An Beauty Limited
Flat/Room 2104 21/F, Mongkok Commercial Centre
16 Argyle Street, Mongkok, Kowloon,
Hong Kong 999077

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

Aztech Enterprises Limited
Units 1206, 12/F, Hheuk Nang Center
9 Hillwood Road
Kowloon, Hong Kong 999077

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

Carlos Imaging Supplies, Inc.
PMB 540
17128 Colima Road
Hacienda Heights, CA 91745

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

Do It Wiser, LLC
2422 Old Capital Trail
Suite 747
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
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Inv. No. 337-TA-1174

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

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

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

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

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

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

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

IPrint Enterprise Limited
Rooms 1318-19, 13/F Hollywood Plaza
610 Nathan Road, Mongkok, Kowloon,
Hong Kong 999077
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Inv. No. 337-TA-1174

Certificate of Service – Page 4

☒ Other: Service to Be Completed by Complainants

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

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

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

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

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

Zhuhai Xiaohui E-Commerce., Ltd.
Room 502, Factory five, No. 12, Pingdong 3rd Road
Nanping Keji Industrial Park, Xiangzhou District,
Zhuhai, China 519000

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☒ Other: Service to Be Completed by Complainants

☒ Other: Service to Be Completed by Complainants

☐ Via Hand Delivery
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☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be Completed by Complainants
In the Matter of
CERTAIN TONER CARTRIDGES,
COMPONENTS THEREOF, AND
SYSTEMS CONTAINING SAME
Investigation No. 337-TA-1174

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Globest Trading Inc. cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of toner cartridges, components thereof, and systems containing same (as defined in Definition (G) 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”) (collectively, “the Asserted Patents”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.
(B) “Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.

(C) “Respondent” shall mean Globest Trading Inc.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges, components thereof, and systems containing same 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. The toner cartridges, components thereof, and systems containing the same that are subject to this Order are as follows: laser toner cartridges designed for use with Brother printers, fax machines, and MFCs (“Multi-Function Centers”). Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and
assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, _infra_, for, with, or otherwise on behalf of, Respondent.

III.
**Conduct Prohibited**

The following conduct of Respondent in the United States is prohibited by this Order.

For the remaining terms of the Asserted Patents, Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered products;

(C) advertise imported covered products;

(D) solicit U.S. agents or distributors for imported covered products; or

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV.
**Conduct Permitted**

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

(A) in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or

(B) such specific conduct is related to the importation or sale of covered products by or for the United States.

V.
**Reporting**

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this
section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 C.F.R. § 210.4(f) are currently waived. 85 Fed. Reg. 15798 (March 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1174”) in a prominent place on the cover pages and/or the first page. See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf. Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.¹

¹ Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent’s principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

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 Rules 201.16(a) and 210.7(a)(1) (19 CFR 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).

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

**IX. Enforcement**

Violation of this order may result in any of the actions specified in section 210.75 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

**X. Modification**

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

**XI. Bonding**

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent’s posting of a bond in the amount of 900 percent of entered value for infringing 221/225 Products, 372 percent of entered value for infringing 223/227 Products, 682 percent of entered value for infringing 420/450 Products, 635 percent of entered value for infringing 630/660 Products, and 369 percent of entered value for infringing 730/760/770 Products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products
imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (See 19 C.F.R. § 210.68.) The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary’s acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant’s counsel.2

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service

2 See Footnote 1.
on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By order of the Commission.

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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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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On Behalf of Respondent LD Products, Inc.

Steven E. Adkins, Esq.
☐ Via Hand Delivery
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Inv. No. 337-TA-1174

Certificate of Service – Page 2

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Respondents:

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Hong Kong 999077

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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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☒ Other: Service to Be Completed by Complainants

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

☐ Via Hand Delivery
☐ Via Express Delivery
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Carlos Imaging Supplies, Inc.
PMB 540
17128 Colima Road
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Do It Wiser, LLC
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Eco Imaging Inc.
PMB A839
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Irvine, CA 92604

☐ Via Hand Delivery
☐ Via Express Delivery
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Ecoolmart Co.
PMB 322
17360 Colima Road
Rowland Heights, CA 91748

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

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

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

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

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

IPrint Enterprise Limited
Rooms 1318-19, 13/F Hollywood Plaza
610 Nathan Road, Mongkok, Kowloon,
Hong Kong 999077
Mangoket LLC  
1641 West Main Street  
Suite 222  
Alhambra, CA 91801

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

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☐ 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

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☒ Other: Service to Be Completed by Complainants

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DSS-5179  
Blaine, WA 98230

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☒ Other: Service to Be Completed by Complainants

Zhuhai Xiaohui E-Commerce., Ltd.  
Room 502, Factory five, No. 12, Pingdong 3rd Road  
Nanping Keji Industrial Park, Xiangzhou District,  
Zhuhai, China 519000

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☐ Via Express Delivery  
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☒ Other: Service to Be Completed by Complainants
In the Matter of

CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Investigation No. 337-TA-1174

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Greencycle Tech, Inc. cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of toner cartridges, components thereof, and systems containing same (as defined in Definition (G) 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") (collectively, “the Asserted Patents”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.
(B) “Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.

(C) “Respondent” shall mean Greencycle Tech, Inc.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges, components thereof, and systems containing same 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. The toner cartridges, components thereof, and systems containing the same that are subject to this Order are as follows: laser toner cartridges designed for use with Brother printers, fax machines, and MFCs (“Multi-Function Centers”). Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and
assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, infra, for, with, or otherwise on behalf of, Respondent.

III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.

For the remaining terms of the Asserted Patents, Respondent shall not:

(A) import or sell for importation into the United States covered products;
(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered products;
(C) advertise imported covered products;
(D) solicit U.S. agents or distributors for imported covered products; or
(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV. Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

(A) in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
(B) such specific conduct is related to the importation or sale of covered products by or for the United States.

V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this
section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 C.F.R. § 210.4(f) are currently waived. 85 Fed. Reg. 15798 (March 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1174”) in a prominent place on the cover pages and/or the first page. See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf. Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.¹

¹ Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent’s principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

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 Rules 201.16(a) and 210.7(a)(1) (19 CFR 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).

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent’s posting of a bond in the amount of 100 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.
The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (See 19 C.F.R. § 210.68.) The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary’s acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant’s counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

² See Footnote 1.
By order of the Commission.

Issued: November 23, 2020

Lisa R. Barton
Secretary to the Commission
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 24, 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.:

Lisa M. Kattan, Esq.
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On Behalf of Respondent Aster Graphics, Inc.:

Barbara A. Murphy, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
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Washington, DC 20036
Email: bmurphy@fostermurphy.com
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On Behalf of Respondents AMI Brothers, Inc. and Globest Trading Inc.:

Gary M. Hnath, Esq.
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Email: ghnath@mayerbrown.com
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On Behalf of Respondent LD Products, Inc.

Steven E. Adkins, Esq.
☐ Via Hand Delivery
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Inv. No. 337-TA-1174

Certificate of Service – Page 2

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Washington, DC 20006
Email: seadkins@mcguirewoods.com

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9 Hillwood Road
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2422 Old Capital Trail
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PMB A839
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Irvine, AC 92604

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Mangoket LLC
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Zhuhai, China 519000

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In the Matter of
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Investigation No. 337-TA-1174

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Hongkong Boze Co., Ltd. cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of toner cartridges, components thereof, and systems containing same (as defined in Definition (G) 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”) (collectively, “the Asserted Patents”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.
“Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.

“Respondent” shall mean Hongkong Boze Co., Ltd.

“Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

“United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

The term “covered products” shall mean toner cartridges, components thereof, and systems containing same 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. The toner cartridges, components thereof, and systems containing the same that are subject to this Order are as follows: laser toner cartridges designed for use with Brother printers, fax machines, and MFCs (“Multi-Function Centers”). Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II.
Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and
assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, infra, for, with, or otherwise on behalf of, Respondent.

III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.

For the remaining terms of the Asserted Patents, Respondent shall not:

(A) import or sell for importation into the United States covered products;
(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered products;
(C) advertise imported covered products;
(D) solicit U.S. agents or distributors for imported covered products; or
(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV. Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

(A) in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
(B) such specific conduct is related to the importation or sale of covered products by or for the United States.

V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this
section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 C.F.R. § 210.4(f) are currently waived. 85 Fed. Reg. 15798 (March 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1174”) in a prominent place on the cover pages and/or the first page. See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf. Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.1

1 Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent’s principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

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 Rules 201.16(a) and 210.7(a)(1) (19 CFR 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).

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX.
Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X.
Modification

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI.
Bonding

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent’s posting of a bond in the amount of 100 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.
The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (See 19 C.F.R. § 210.68.) The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary’s acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant’s counsel.2

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

2 See Footnote 1.
By order of the Commission.

Issued: November 23, 2020

Lisa R. Barton
Secretary to the Commission
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.:

Lisa M. Kattan, Esq.
BAKER BOTTS L.L.P.
700 K Street, NW
Washington, DC 20001
Email: lisa.kattan@bakerbotts.com

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

On Behalf of Respondent Aster Graphics, Inc.:

Barbara A. Murphy, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
1150 18th Street NW, Suite 775
Washington, DC 20036
Email: bmurphy@fostermurphy.com

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

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

Gary M. Hnath, Esq.
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Email: ghnath@mayerbrown.com

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

On Behalf of Respondent LD Products, Inc.

Steven E. Adkins, Esq.

☐ Via Hand Delivery
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Certificate of Service – Page 2

McGUIREWOODS LLP
2001 K Street, NW, Suite 400
Washington, DC 20006
Email: seadkins@mcguirewoods.com

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

Respondents:

An An Beauty Limited
Flat/Room 2104 21/F, Mongkok Commercial Centre
16 Argyle Street, Mongkok, Kowloon,
Hong Kong 999077

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

Aztech Enterprises Limited
Units 1206, 12/F, Hheuk Nang Center
9 Hillwood Road
Kowloon, Hong Kong 999077

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

Carlos Imaging Supplies, Inc.
PMB 540
17128 Colima Road
Hacienda Heights, CA 91745

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

Do It Wiser, LLC
2422 Old Capital Trail
Suite 747
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
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be
Ecoolmart Co.  
PMB 322  
17360 Colima Road  
Rowland Heights, CA 91748

☑ Via First Class Mail  
_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
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Certificate of Service – Page 4

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

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

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

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

Zhuhai Xiaohui E-Commerce., Ltd.
Room 502, Factory five, No. 12, Pingdong 3rd Road
Nanping Keji Industrial Park, Xiangzhou District,
Zhuhai, China 519000

☒ Other: Service to Be
Completed by Complainants
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be
Completed by Complainants
☐ Via Hand Delivery
☐ Via Express Delivery
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☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be
Completed by Complainants
☐ Via Hand Delivery
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☒ Other: Service to Be
Completed by Complainants
In the Matter of
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Investigation No. 337-TA-1174

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT I8 International, Inc. cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of toner cartridges, components thereof, and systems containing same (as defined in Definition (G) 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") (collectively, “the Asserted Patents”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.
(B) “Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.

(C) “Respondent” shall mean I8 International, Inc.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges, components thereof, and systems containing same 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. The toner cartridges, components thereof, and systems containing the same that are subject to this Order are as follows: laser toner cartridges designed for use with Brother printers, fax machines, and MFCs (“Multi-Function Centers”). Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and
assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, or otherwise on behalf of, Respondent.

### III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.

For the remaining terms of the Asserted Patents, Respondent shall not:

- **(A)** import or sell for importation into the United States covered products;
- **(B)** market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered products;
- **(C)** advertise imported covered products;
- **(D)** solicit U.S. agents or distributors for imported covered products; or
- **(E)** aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

### IV. Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

- **(A)** in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
- **(B)** such specific conduct is related to the importation or sale of covered products by or for the United States.

### V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this
section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.


Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.¹

¹ Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent’s principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

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 Rules 201.16(a) and 210.7(a)(1) (19 CFR 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).

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent’s posting of a bond in the amount of 100 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.
The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (See 19 C.F.R. § 210.68.) The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary’s acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant’s counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

² See Footnote 1.
By order of the Commission.

Issued: November 23, 2020

Lisa R. Barton
Secretary to the Commission
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

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.:  
Lisa M. Kattan, Esq.  
BAKER BOTTS L.L.P.  
700 K Street, NW  
Washington, DC 20001  
Email: lisa.kattan@bakerbotts.com

On Behalf of Respondent Aster Graphics, Inc.:  
Barbara A. Murphy, Esq.  
FOSTER, MURPHY, ALTMAN & NICKEL, PC  
1150 18th Street NW, Suite 775  
Washington, DC 20036  
Email: bmurphy@fostermurphy.com

On Behalf of Respondents AMI Brothers, Inc. and Globest Trading Inc.:  
Gary M. Hnath, Esq.  
MAYER BROWN LLP  
1999 K Street, NW  
Washington, DC 20006  
Email: ghnath@mayerbrown.com

On Behalf of Respondent LD Products, Inc.  
Steven E. Adkins, Esq.
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Inv. No. 337-TA-1174

Certificate of Service – Page 2

McGUIREWOODS LLP
2001 K Street, NW, Suite 400
Washington, DC 20006
Email: seadkins@mcguirewoods.com

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

Respondents:

An An Beauty Limited
Flat/Room 2104 21/F, Mongkok Commercial Centre
16 Argyle Street, Mongkok, Kowloon,
Hong Kong 999077

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

Aztech Enterprises Limited
Units 1206, 12/F, Hheuk Nang Center
9 Hillwood Road
Kowloon, Hong Kong 999077

☐ Via Hand Delivery
☐ Via Express Delivery
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☒ Other: Service to Be Completed by Complainants

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

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

Carlos Imaging Supplies, Inc.
PMB 540
17128 Colima Road
Hacienda Heights, CA 91745

☐ Via Hand Delivery
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Do It Wiser, LLC
2422 Old Capital Trail
Suite 747
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
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be
<table>
<thead>
<tr>
<th>Company Name</th>
<th>Address</th>
<th>Delivery Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ecoolmart Co.</td>
<td>PMB 322, 17360 Colima Road, Rowland Heights, CA 91748</td>
<td>☒ Other: Service to Be Completed by Complainants</td>
</tr>
<tr>
<td>Greencycle Tech, Inc.</td>
<td>9638 Rush Street, Unit E, South El Monte, CA 91733</td>
<td>☒ Other: Service to Be Completed by Complainants</td>
</tr>
<tr>
<td>Hongkong Boze Co., Ltd.</td>
<td>Flat/Room A 27/F, Billion Plaza 2, 10 Cheung Yee Street, Lai Chi Kok, Kowloon, Hong Kong 999077</td>
<td>☒ Other: Service to Be Completed by Complainants</td>
</tr>
<tr>
<td>I8 International, Inc.</td>
<td>19961 Harrison Avenue, City of Industry, CA 91789</td>
<td>☒ Other: Service to Be Completed by Complainants</td>
</tr>
<tr>
<td>Ikong E-Commerce</td>
<td>PMB 429, 385 South Lemon Avenue, Suite E, Walnut, CA 91789</td>
<td>☒ Other: Service to Be Completed by Complainants</td>
</tr>
<tr>
<td>Intercon International Corp.</td>
<td>PMB 109, 407 West Imperial Highway, Suite H, Brea, CA 92821</td>
<td>☒ Other: Service to Be Completed by Complainants</td>
</tr>
<tr>
<td>IPrint Enterprise Limited</td>
<td>Rooms 1318-19, 13/F Hollywood Plaza, 610 Nathan Road, Mongkok, Kowloon, Hong Kong 999077</td>
<td>☒ Other: Service to Be Completed by Complainants</td>
</tr>
</tbody>
</table>
Mangoket LLC
1641 West Main Street
Suite 222
Alhambra, CA 91801

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

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

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

Zhuhai Xiaohui E-Commerce., Ltd.
Room 502, Factory five, No. 12, Pingdong 3rd Road
Nanping Keji Industrial Park, Xiangzhou District,
Zhuhai, China 519000

☒ Other: Service to Be Completed by Complainants
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In the Matter of
CERTAIN TONER CARTRIDGES,
COMPONENTS THEREOF, AND
SYSTEMS CONTAINING SAME

Investigation No. 337-TA-1174

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Ikong E-Commerce cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of toner cartridges, components thereof, and systems containing same (as defined in Definition (G) 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") (collectively, “the Asserted Patents”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.
(B) “Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.

(C) “Respondent” shall mean Ikong E-Commerce.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges, components thereof, and systems containing same 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. The toner cartridges, components thereof, and systems containing the same that are subject to this Order are as follows: laser toner cartridges designed for use with Brother printers, fax machines, and MFCs (“Multi-Function Centers”). Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and
assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, infra, for, with, or otherwise on behalf of, Respondent.

### III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order. For the remaining terms of the Asserted Patents, Respondent shall not:

(A) import or sell for importation into the United States covered products;
(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered products;
(C) advertise imported covered products;
(D) solicit U.S. agents or distributors for imported covered products; or
(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

### IV. Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

(A) in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
(B) such specific conduct is related to the importation or sale of covered products by or for the United States.

### V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this
section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.


Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.¹

¹ Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent’s principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

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 Rules 201.16(a) and 210.7(a)(1) (19 CFR 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).

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII.
Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent’s posting of a bond in the amount of 100 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.
The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (See 19 C.F.R. § 210.68.) The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary’s acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant’s counsel.  

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

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2 See Footnote 1.
By order of the Commission.

Issued: November 23, 2020

Lisa R. Barton
Secretary to the Commission
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.:

Lisa M. Kattan, Esq.
BAKER BOTTS L.L.P.
700 K Street, NW
Washington, DC 20001
Email: lisa.kattan@bakerbotts.com

Barbara A. Murphy, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
1150 18th Street NW, Suite 775
Washington, DC 20036
Email: bmurphy@fostermurphy.com

Gary M. Hnath, Esq.
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Email: ghnath@mayerbrown.com

On Behalf of Respondent Aster Graphics, Inc.:

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

On Behalf of Respondent LD Products, Inc.
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Inv. No. 337-TA-1174

Certificate of Service – Page 2

McGUIREWOODS LLP
2001 K Street, NW, Suite 400
Washington, DC 20006
Email: seadkins@mcguirewoods.com

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

Respondents:

An An Beauty Limited
Flat/Room 2104 21/F, Mongkok Commercial Centre
16 Argyle Street, Mongkok, Kowloon,
Hong Kong 999077

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

Aztech Enterprises Limited
Units 1206, 12/F, Hheuk Nang Center
9 Hillwood Road
Kowloon, Hong Kong 999077

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

Carlos Imaging Supplies, Inc.
PMB 540
17128 Colima Road
Hacienda Heights, CA 91745

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

Do It Wiser, LLC
2422 Old Capital Trail
Suite 747
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
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be
Ecoolmart Co.
PMB 322
17360 Colima Road
Rowland Heights, CA 91748

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

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

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

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

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

IPrint Enterprise Limited
Rooms 1318-19, 13/F Hollywood Plaza
610 Nathan Road, Mongkok, Kowloon,
Hong Kong 999077
Mangoket LLC
1641 West Main Street
Suite 222
Alhambra, CA 91801

☐ Other: Service to Be Completed by Complainants
☐ Via Hand Delivery
☐ Via Express Delivery
☐ 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.
Room 502, Factory five, No. 12, Pingdong 3rd Road
Nanping Keji Industrial Park, Xiangzhou District,
Zhuhai, China 519000

☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be Completed by Complainants
CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Intercon International Corp. cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of toner cartridges, components thereof, and systems containing same (as defined in Definition (G) 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”) (collectively, “the Asserted Patents”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.
(B) “Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.

(C) “Respondent” shall mean Intercon International Corp.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges, components thereof, and systems containing same 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. The toner cartridges, components thereof, and systems containing the same that are subject to this Order are as follows: laser toner cartridges designed for use with Brother printers, fax machines, and MFCs (“Multi-Function Centers”). Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and
assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, or otherwise on behalf of, Respondent.

**III. Conduct Prohibited**

The following conduct of Respondent in the United States is prohibited by this Order. For the remaining terms of the Asserted Patents, Respondent shall not:

(A) import or sell for importation into the United States covered products;
(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered products;
(C) advertise imported covered products;
(D) solicit U.S. agents or distributors for imported covered products; or
(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

**IV. Conduct Permitted**

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

(A) in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
(B) such specific conduct is related to the importation or sale of covered products by or for the United States.

**V. Reporting**

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this
section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 C.F.R. § 210.4(f) are currently waived. 85 Fed. Reg. 15798 (March 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1174”) in a prominent place on the cover pages and/or the first page. See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf. Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.¹

¹ Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent’s principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

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 Rules 201.16(a) and 210.7(a)(1) (19 CFR 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).

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII.
Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX.  Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X.  Modification

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI.  Bonding

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent’s posting of a bond in the amount of 100 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.
The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (See 19 C.F.R. § 210.68.) The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary’s acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant’s counsel.2

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

2 See Footnote 1.
By order of the Commission.

Issued: November 23, 2020

Lisa R. Barton
Secretary to the Commission
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

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.:

Lisa M. Kattan, Esq.
BAKER BOTTS L.L.P.
700 K Street, NW
Washington, DC 20001
Email: lisa.kattan@bakerbotts.com

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

On Behalf of Respondent Aster Graphics, Inc.:

Barbara A. Murphy, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
1150 18th Street NW, Suite 775
Washington, DC 20036
Email: bmurphy@fostermurphy.com

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

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

Gary M. Hnath, Esq.
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Email: ghnath@mayerbrown.com

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

On Behalf of Respondent LD Products, Inc.

Steven E. Adkins, Esq.
☐ Via Hand Delivery
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Inv. No. 337-TA-1174

Certificate of Service – Page 2

McGUIREWOODS LLP
2001 K Street, NW, Suite 400
Washington, DC 20006
Email: seadkins@mcguirewoods.com

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

Respondents:

An An Beauty Limited
Flat/Room 2104 21/F, Mongkok Commercial Centre
16 Argyle Street, Mongkok, Kowloon,
Hong Kong 999077

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

Aztech Enterprises Limited
Units 1206, 12/F, Hheuk Nang Center
9 Hillwood Road
Kowloon, Hong Kong 999077

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

Carlos Imaging Supplies, Inc.
PMB 540
17128 Colima Road
Hacienda Heights, CA 91745

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

Do It Wiser, LLC
2422 Old Capital Trail
Suite 747
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, CA 92604

☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Certificate of Service – Page 3

Completed by Complainants

☒ Other: Service to Be Completed by Complainants

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

☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ 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
Mangoket LLC  
1641 West Main Street  
Suite 222  
Alhambra, CA 91801

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

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

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

Zhuhai Xiaohui E-Commerce., Ltd.  
Room 502, Factory five, No. 12, Pingdong 3rd Road  
Nanping Keji Industrial Park, Xiangzhou District,  
Zhuhai, China 519000

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

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT LD Products, Inc. cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of toner cartridges, components thereof, and systems containing same (as defined in Definition (G) 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”) (collectively, “the Asserted Patents”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.
(B) “Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.

(C) “Respondent” shall mean LD Products, Inc.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges, components thereof, and systems containing same 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. The toner cartridges, components thereof, and systems containing the same that are subject to this Order are as follows: laser toner cartridges designed for use with Brother printers, fax machines, and MFCs (“Multi-Function Centers”). Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and
assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, or otherwise on behalf of, Respondent.

### III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.

For the remaining terms of the Asserted Patents, Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered products;

(C) advertise imported covered products;

(D) solicit U.S. agents or distributors for imported covered products; or

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

### IV. Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

(A) in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or

(B) such specific conduct is related to the importation or sale of covered products by or for the United States.

### V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this
section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 C.F.R. § 210.4(f) are currently waived. 85 Fed. Reg. 15798 (March 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1174”) in a prominent place on the cover pages and/or the first page. See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on電子lic_filing.pdf. Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.

1 Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent’s principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

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 Rules 201.16(a) and 210.7(a)(1) (19 CFR 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).

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII.
Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent’s posting of a bond in the amount of 100 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.
The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (See 19 C.F.R. § 210.68.) The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary’s acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant’s counsel.2

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

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2 See Footnote 1.
By order of the Commission.

Issued: November 23, 2020

Lisa R. Barton
Secretary to the Commission
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.:

Lisa M. Kattan, Esq.
BAKER BOTTS L.L.P.
700 K Street, NW
Washington, DC 20001
Email: lisa.kattan@bakerbotts.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

On Behalf of Respondent Aster Graphics, Inc.:

Barbara A. Murphy, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
1150 18th Street NW, Suite 775
Washington, DC 20036
Email: bmurphy@fostermurphy.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

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

Gary M. Hnath, Esq.
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Email: ghnath@mayerbrown.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

On Behalf of Respondent LD Products, Inc.

Steven E. Adkins, Esq.
☐ Via Hand Delivery
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Respondents:

An An Beauty Limited
Flat/Room 2104 21/F, Mongkok Commericial Centre
16 Argyle Street, Mongkok, Kowloon,
Hong Kong 999077

Aztech Enterprises Limited
Units 1206, 12/F, Hheuk Nang Center
9 Hillwood Road
Kowloon, Hong Kong 999077

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

Carlos Imaging Supplies, Inc.
PMB 540
17128 Colima Road
Hacienda Heights, CA 91745

Do It Wiser, LLC
2422 Old Capital Trail
Suite 747
Wilmington, DE 19808

Eco Imaging Inc.
PMB A839
14252 culver Drive
Irvine, AC 92604
Ecoolmart Co.
PMB 322
17360 Colima Road
Rowland Heights, CA 91748

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

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

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

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

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

IPrint Enterprise Limited
Rooms 1318-19, 13/F Hollywood Plaza
610 Nathan Road, Mongkok, Kowloon,
Hong Kong 999077
Mangoket LLC  
1641 West Main Street  
Suite 222  
Alhambra, CA 91801

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

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

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

Zhuhai Xiaohui E-Commerce., Ltd.  
Room 502, Factory five, No. 12, Pingdong 3rd Road  
Nanping Keji Industrial Park, Xiangzhou District,  
Zhuhai, China 519000

☒ Other: Service to Be Completed by Complainants
☐ Via Hand Delivery  ☐ Via Express Delivery  ☐ Via First Class Mail  ☒ Other: Service to Be Completed by Complainants
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☐ Via Hand Delivery  ☐ Via Express Delivery  ☐ Via First Class Mail  ☒ Other: Service to Be Completed by Complainants
In the Matter of
CERTAIN TONER CARTRIDGES,
COMPONENTS THEREOF, AND
SYSTEMS CONTAINING SAME

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

Investigation No. 337-TA-1174

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Smartjet E-Commerce Co., LLC cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of toner cartridges, components thereof, and systems containing same (as defined in Definition (G) 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”) (collectively, “the Asserted Patents”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.
(B) “Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.

(C) “Respondent” shall mean Smartjet E-Commerce Co., LLC.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges, components thereof, and systems containing same 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. The toner cartridges, components thereof, and systems containing the same that are subject to this Order are as follows: laser toner cartridges designed for use with Brother printers, fax machines, and MFCs (“Multi-Function Centers”). Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and
assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, infra, for, with, or otherwise on behalf of, Respondent.

III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.

For the remaining terms of the Asserted Patents, Respondent shall not:

(A) import or sell for importation into the United States covered products;
(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered products;
(C) advertise imported covered products;
(D) solicit U.S. agents or distributors for imported covered products; or
(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV. Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

(A) in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
(B) such specific conduct is related to the importation or sale of covered products by or for the United States.

V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this
section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 C.F.R. § 210.4(f) are currently waived. 85 Fed. Reg. 15798 (March 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1174”) in a prominent place on the cover pages and/or the first page. See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf. Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.1

1 Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI.
Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent’s principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII.
Service of Cease and Desist Order

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 Rules 201.16(a) and 210.7(a)(1) (19 CFR 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).

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

**IX. Enforcement**

Violation of this order may result in any of the actions specified in section 210.75 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

**X. Modification**

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

**XI. Bonding**

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent’s posting of a bond in the amount of 100 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.
The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (See 19 C.F.R. § 210.68.) The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary’s acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant’s counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

² See Footnote 1.
By order of the Commission.

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.:

Lisa M. Kattan, Esq.
BAKER BOTT L.L.P.
700 K Street, NW
Washington, DC 20001
Email: lisa.kattan@bakerbotts.com

On Behalf of Respondent Aster Graphics, Inc.:

Barbara A. Murphy, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
1150 18th Street NW, Suite 775
Washington, DC 20036
Email: bmurphy@fostermurphy.com

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

Gary M. Hnath, Esq.
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Email: ghnath@mayerbrown.com

On Behalf of Respondent LD Products, Inc.

Steven E. Adkins, Esq.
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Inv. No. 337-TA-1174

Certificate of Service – Page 2

McGUIREWOODS LLP
2001 K Street, NW, Suite 400
Washington, DC 20006
Email: seadkins@mcguirewoods.com

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

Respondents:

An An Beauty Limited
Flat/Room 2104 21/F, Mongkok Commercial Centre
16 Argyle Street, Mongkok, Kowloon,
Hong Kong 999077

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

Aztech Enterprises Limited
Units 1206, 12/F, Hheuk Nang Center
9 Hillwood Road
Kowloon, Hong Kong 999077

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

Carlos Imaging Supplies, Inc.
PMB 540
17128 Colima Road
Hacienda Heights, CA 91745

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

Do It Wiser, LLC
2422 Old Capital Trail
Suite 747
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, CA 92604

☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be
Ecoolmart Co.
PMB 322
17360 Colima Road
Rowland Heights, CA 91748

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

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

I8 International, Inc.
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City of Industry, CA 91789

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

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

Iprint Enterprise Limited
Rooms 1318-19, 13/F Hollywood Plaza
610 Nathan Road, Mongkok, Kowloon,
Hong Kong 999077
Mangoket LLC
1641 West Main Street
Suite 222
Alhambra, CA 91801

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

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

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

Zhuhai Xiaohui E-Commerce., Ltd.
Room 502, Factory five, No. 12, Pingdong 3rd Road
Nanping Keji Industrial Park, Xiangzhou District,
Zhuhai, China 519000

☒ Other: Service to Be Completed by Complainants
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be Completed by Complainants
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☒ Other: Service to Be Completed by Complainants
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
In the Matter of
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Investigation No. 337-TA-1174

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Solong E-Commerce Co., LLC cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of toner cartridges, components thereof, and systems containing same (as defined in Definition (G) 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”) (collectively, “the Asserted Patents”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I.
Definitions

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.
(B) “Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.

(C) “Respondent” shall mean Solong E-Commerce Co., LLC.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges, components thereof, and systems containing same 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. The toner cartridges, components thereof, and systems containing the same that are subject to this Order are as follows: laser toner cartridges designed for use with Brother printers, fax machines, and MFCs ("Multi-Function Centers"). Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and
assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, infra, for, with, or otherwise on behalf of, Respondent.

III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.

For the remaining terms of the Asserted Patents, Respondent shall not:

(A) import or sell for importation into the United States covered products;
(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered products;
(C) advertise imported covered products;
(D) solicit U.S. agents or distributors for imported covered products; or
(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV. Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

(A) in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
(B) such specific conduct is related to the importation or sale of covered products by or for the United States.

V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this
section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 C.F.R. § 210.4(f) are currently waived. 85 Fed. Reg. 15798 (March 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1174”) in a prominent place on the cover pages and/or the first page. See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf. Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.¹

¹ Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent’s principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

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 Rules 201.16(a) and 210.7(a)(1) (19 CFR 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).

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent’s posting of a bond in the amount of 100 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.
The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (See 19 C.F.R. § 210.68.) The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary’s acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant’s counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

² See Footnote 1.
By order of the Commission.

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.:

Lisa M. Kattan, Esq.
BAKER BOTTS L.L.P.
700 K Street, NW
Washington, DC 20001
Email: lisa.kattan@bakerbotts.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

On Behalf of Respondent Aster Graphics, Inc.:

Barbara A. Murphy, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
1150 18th Street NW, Suite 775
Washington, DC 20036
Email: bmurphy@fostermurphy.com
☐ Via Hand Delivery
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On Behalf of Respondents AMI Brothers, Inc. and Globest Trading Inc.:

Gary M. Hnath, Esq.
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Email: ghnath@mayerbrown.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

On Behalf of Respondent LD Products, Inc.

Steven E. Adkins, Esq.
☐ Via Hand Delivery
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Inv. No. 337-TA-1174

Certificate of Service – Page 2

McGUIREWOODS LLP
2001 K Street, NW, Suite 400
Washington, DC 20006
Email: seadkins@mcguirewoods.com

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

Respondents:

An An Beauty Limited
Flat/Room 2104 21/F, Mongkok Commercial Centre
16 Argyle Street, Mongkok, Kowloon,
Hong Kong 999077

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

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Units 1206, 12/F, Hheuk Nang Center
9 Hillwood Road
Kowloon, Hong Kong 999077

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

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19945 Harrison Avenue
City of Industry, CA 91789

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

Carlos Imaging Supplies, Inc.
PMB 540
17128 Colima Road
Hacienda Heights, CA 91745

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

Do It Wiser, LLC
2422 Old Capital Trail
Suite 747
Wilmington, DE 19808

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

☐ Via Hand Delivery  ☐ Via Express Delivery  ☒ Via First Class Mail  ☒ Other: Service to Be
Ecoolmart Co.
PMB 322
17360 Colima Road
Rowland Heights, CA 91748

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

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

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

☑ Via First Class Mail
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Ikong E-Commerce
PMB 429, 385 South Lemon Avenue
Suite E
Walnut, CA 91789

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PMB 109, 407 West Imperial Highway
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Brea, CA 92821

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Rooms 1318-19, 13/F Hollywood Plaza
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Mangoket LLC  
1641 West Main Street  
Suite 222  
Alhambra, CA 91801

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

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

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

Zhuhai Xiaohui E-Commerce., Ltd.  
Room 502, Factory five, No. 12, Pingdong 3rd Road  
Nanping Keji Industrial Park, Xiangzhou District,  
Zhuhai, China 519000

☒ Other: Service to Be Completed by Complainants

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☒ Other: Service to Be Completed by Complainants
In the Matter of
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Investigation No. 337-TA-1174

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Zhuhai Xiaohui E-Commerce Co., Ltd. cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of toner cartridges, components thereof, and systems containing same (as defined in Definition (G) 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") (collectively, “the Asserted Patents”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.
(B) “Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.

(C) “Respondent” shall mean Zhuhai Xiaohui E-Commerce Co., Ltd.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges, components thereof, and systems containing same 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. The toner cartridges, components thereof, and systems containing the same that are subject to this Order are as follows: laser toner cartridges designed for use with Brother printers, fax machines, and MFCs (“Multi-Function Centers”). Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and
assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, infra, for, with, or otherwise on behalf of, Respondent.

III.
Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.

For the remaining terms of the Asserted Patents, Respondent shall not:

(A) import or sell for importation into the United States covered products;
(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered products;
(C) advertise imported covered products;
(D) solicit U.S. agents or distributors for imported covered products; or
(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV.
Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

(A) in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
(B) such specific conduct is related to the importation or sale of covered products by or for the United States.

V.
Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this
section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 C.F.R. § 210.4(f) are currently waived. 85 Fed. Reg. 15798 (March 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1174”) in a prominent place on the cover pages and/or the first page. See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf. Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.¹

¹ Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent’s principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

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 Rules 201.16(a) and 210.7(a)(1) (19 CFR 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).

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII.
Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent’s posting of a bond in the amount of 100 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.
The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (See 19 C.F.R. § 210.68.) The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary’s acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant’s counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

² See Footnote 1.
By order of the Commission.

Lisa R. Barton
Secretary to the Commission

Issued: November 23, 2020
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Inv. No. 337-TA-1174

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.:

Lisa M. Kattan, Esq.
BAKER BOTTs L.L.P.
700 K Street, NW
Washington, DC 20001
Email: lisa.kattan@bakerbotts.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

On Behalf of Respondent Aster Graphics, Inc.:

Barbara A. Murphy, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
1150 18th Street NW, Suite 775
Washington, DC 20036
Email: bmurphy@fostermurphy.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

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

Gary M. Hnath, Esq.
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Email: ghnath@mayerbrown.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

On Behalf of Respondent LD Products, Inc.

Steven E. Adkins, Esq.
☐ Via Hand Delivery
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Certification of Service – Page 2

McGUIREWOODS LLP
2001 K Street, NW, Suite 400
Washington, DC 20006
Email: seadkins@mcguirewoods.com

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

Respondents:

An An Beauty Limited
Flat/Room 2104 21/F, Mongkok Commercial Centre
16 Argyle Street, Mongkok, Kowloon,
Hong Kong 999077
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be Completed by Complainants

Aztech Enterprises Limited
Units 1206, 12/F, Hheuk Nang Center
9 Hillwood Road
Kowloon, Hong Kong 999077
☐ Via Hand Delivery
☐ 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
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be Completed by Complainants

Carlos Imaging Supplies, Inc.
PMB 540
17128 Colima Road
Hacienda Heights, CA 91745
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be Completed by Complainants

Do It Wiser, LLC
2422 Old Capital Trail
Suite 747
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
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Certificate of Service – Page 3

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

☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ 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
Mangoket LLC  
1641 West Main Street  
Suite 222  
Alhambra, CA 91801

☒ Other: Service to Be Completed by Complainants
☐ Via Hand Delivery  
☐ Via Express Delivery  
☐ 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.  
Room 502, Factory five, No. 12, Pingdong 3rd Road  
Nanping Keji Industrial Park, Xiangzhou District,  
Zhuhai, China 519000

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

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Super Warehouse Inc. cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of toner cartridges, components thereof, and systems containing same (as defined in Definition (G) 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”) (collectively, “the Asserted Patents”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I.
Definitions

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.
(B) “Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.

(C) “Respondent” shall mean Super Warehouse Inc.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges, components thereof, and systems containing same 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. The toner cartridges, components thereof, and systems containing the same that are subject to this Order are as follows: laser toner cartridges designed for use with Brother printers, fax machines, and MFCs (“Multi-Function Centers”). Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and
assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, \textit{infra}, for, with, or otherwise on behalf of, Respondent.

\section*{III. Conduct Prohibited}

The following conduct of Respondent in the United States is prohibited by this Order.

For the remaining terms of the Asserted Patents, Respondent shall not:

(A) import or sell for importation into the United States covered products;
(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered products;
(C) advertise imported covered products;
(D) solicit U.S. agents or distributors for imported covered products; or
(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

\section*{IV. Conduct Permitted}

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

(A) in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
(B) such specific conduct is related to the importation or sale of covered products by or for the United States.

\section*{V. Reporting}

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this
section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 C.F.R. § 210.4(f) are currently waived. 85 Fed. Reg. 15798 (March 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1174”) in a prominent place on the cover pages and/or the first page. See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf. Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.¹

¹ Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent’s principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

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 Rules 201.16(a) and 210.7(a)(1) (19 CFR 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).

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

**IX. Enforcement**

Violation of this order may result in any of the actions specified in section 210.75 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

**X. Modification**

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

**XI. Bonding**

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent’s posting of a bond in the amount of 100 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.
The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (See 19 C.F.R. § 210.68.) The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary’s acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant’s counsel.2

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

2 See Footnote 1.
By order of the Commission.

[Signature]

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.:

Lisa M. Kattan, Esq.
BAKER BOTTS L.L.P.
700 K Street, NW
Washington, DC 20001
Email: lisa.kattan@bakerbotts.com

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

On Behalf of Respondent Aster Graphics, Inc.:

Barbara A. Murphy, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
1150 18th Street NW, Suite 775
Washington, DC 20036
Email: bmurphy@fostermurphy.com

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

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

Gary M. Hnath, Esq.
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Email: ghnath@mayerbrown.com

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

On Behalf of Respondent LD Products, Inc.

Steven E. Adkins, Esq.

☐ Via Hand Delivery
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Inv. No. 337-TA-1174

Certificate of Service – Page 2

McGUIREWOODS LLP
2001 K Street, NW, Suite 400
Washington, DC 20006
Email: seadkins@mcguirewoods.com

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

Respondents:

An An Beauty Limited
Flat/Room 2104 21/F, Mongkok Commercial Centre
16 Argyle Street, Mongkok, Kowloon,
Hong Kong 999077

☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to be Completed by Complainants

Aztech Enterprises Limited
Units 1206, 12/F, Hheuk Nang Center
9 Hillwood Road
Kowloon, Hong Kong 999077

☐ Via Hand Delivery
☐ 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

☐ Via Hand Delivery
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Do It Wiser, LLC
2422 Old Capital Trail
Suite 747
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
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to be Completed by Complainants
<table>
<thead>
<tr>
<th>Company Name</th>
<th>Address</th>
<th>Delivery Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ecoolmart Co.</td>
<td>PMB 322, 17360 Colima Road, Rowland Heights, CA 91748</td>
<td>☒ Other: Service to Be</td>
</tr>
<tr>
<td>Greencycle Tech, Inc.</td>
<td>9638 Rush Street, Unit E, South El Monte, CA 91733</td>
<td>☒ Other: Service to Be</td>
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<tr>
<td>Hongkong Boze Co., Ltd.</td>
<td>Flat/Room A 27/F, Billion Plaza 2, 10 Cheung Yee Street, Lai Chi Kok, Kowloon, Hong Kong 999077</td>
<td>☒ Other: Service to Be</td>
</tr>
<tr>
<td>I8 International, Inc.</td>
<td>19961 Harrison Avenue, City of Industry, CA 91789</td>
<td>☒ Other: Service to Be</td>
</tr>
<tr>
<td>Ikong E-Commerce</td>
<td>PMB 429, 385 South Lemon Avenue, Suite E, Walnut, CA 91789</td>
<td>☒ Other: Service to Be</td>
</tr>
<tr>
<td>Intercon International Corp.</td>
<td>PMB 109, 407 West Imperial Highway, Suite H, Brea, CA 92821</td>
<td>☒ Other: Service to Be</td>
</tr>
<tr>
<td>IPrint Enterprise Limited</td>
<td>Rooms 1318-19, 13/F Hollywood Plaza, 610 Nathan Road, Mongkok, Kowloon, Hong Kong 999077</td>
<td>☒ Other: Service to Be</td>
</tr>
</tbody>
</table>
Mangoket LLC  
1641 West Main Street  
Suite 222  
Alhambra, CA 91801

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

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

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

Zhuhai Xiaohui E-Commerce., Ltd.  
Room 502, Factory five, No. 12, Pingdong 3rd Road  
Nanping Keji Industrial Park, Xiangzhou District,  
Zhuhai, China 519000

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

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☐ Via Hand Delivery  
☐ Via Express Delivery  
☒ Other: Service to Be Completed by Complainants  
☐ Via Hand Delivery  
☐ Via Express Delivery  
☒ Other: Service to Be Completed by Complainants  
☐ Via Hand Delivery  
☒ Other: Service to Be Completed by Complainants  
☐ Via Hand Delivery  
☒ Other: Service to Be Completed by Complainants  
☐ Via Hand Delivery  
☒ Other: Service to Be Completed by Complainants
In the Matter of
CERTAIN TONER CARTRIDGES,
COMPONENTS THEREOF, AND
SYSTEMS CONTAINING SAME

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT IPrint Enterprise Limited cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of toner cartridges, components thereof, and systems containing same (as defined in Definition (G) 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”) (collectively, “the Asserted Patents”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.
(B) “Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.

(C) “Respondent” shall mean IPrint Enterprise Limited.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges, components thereof, and systems containing same 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. The toner cartridges, components thereof, and systems containing the same that are subject to this Order are as follows: laser toner cartridges designed for use with Brother printers, fax machines, and MFCs (“Multi-Function Centers”). Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and
assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, infra, for, with, or otherwise on behalf of, Respondent.

**III. Conduct Prohibited**

The following conduct of Respondent in the United States is prohibited by this Order.

For the remaining terms of the Asserted Patents, Respondent shall not:

- **(A)** import or sell for importation into the United States covered products;
- **(B)** market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered products;
- **(C)** advertise imported covered products;
- **(D)** solicit U.S. agents or distributors for imported covered products; or
- **(E)** aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

**IV. Conduct Permitted**

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

- **(A)** in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
- **(B)** such specific conduct is related to the importation or sale of covered products by or for the United States.

**V. Reporting**

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this
section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 C.F.R. § 210.4(f) are currently waived. 85 Fed. Reg. 15798 (March 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1174”) in a prominent place on the cover pages and/or the first page. See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf. Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.¹

¹ Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent’s principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

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 Rules 201.16(a) and 210.7(a)(1) (19 CFR 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).

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

**IX. Enforcement**

Violation of this order may result in any of the actions specified in section 210.75 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

**X. Modification**

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

**XI. Bonding**

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent’s posting of a bond in the amount of 100 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.
The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (See 19 C.F.R. § 210.68.) The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary’s acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant’s counsel.\(^2\)

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

\(^2\) See Footnote 1.
By order of the Commission.

Issued: November 23, 2020

Lisa R. Barton
Secretary to the Commission
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.:

Lisa M. Kattan, Esq.
BAKER BOTTS L.L.P.
700 K Street, NW
Washington, DC 20001
Email: lisa.kattan@bakerbotts.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

On Behalf of Respondent Aster Graphics, Inc.:

Barbara A. Murphy, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
1150 18th Street NW, Suite 775
Washington, DC 20036
Email: bmurphy@fostermurphy.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

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

Gary M. Hnath, Esq.
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Email: ghnath@mayerbrown.com
☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

On Behalf of Respondent LD Products, Inc.

Steven E. Adkins, Esq.
☐ Via Hand Delivery
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Inv. No. 337-TA-1174

McGUIREWOODS LLP
2001 K Street, NW, Suite 400
Washington, DC 20006
Email: seadkins@mcguirewoods.com

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

Respondents:

An An Beauty Limited
Flat/Room 2104 21/F, Mongkok Commercial Centre
16 Argyle Street, Mongkok, Kowloon,
Hong Kong 999077

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

Aztech Enterprises Limited
Units 1206, 12/F, Hheuk Nang Center
9 Hillwood Road
Kowloon, Hong Kong 999077

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

Carlos Imaging Supplies, Inc.
PMB 540
17128 Colima Road
Hacienda Heights, CA 91745

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

Do It Wiser, LLC
2422 Old Capital Trail
Suite 747
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
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Service to Be
Ecoolmart Co.
PMB 322
17360 Colima Road
Rowland Heights, CA 91748

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

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

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

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

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

IPrint Enterprise Limited
Rooms 1318-19, 13/F Hollywood Plaza
610 Nathan Road, Mongkok, Kowloon,
Hong Kong 999077
Mangoket LLC
1641 West Main Street
Suite 222
Alhambra, CA 91801

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

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

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

Zhuhai Xiaohui E-Commerce., Ltd.
Room 502, Factory five, No. 12, Pingdong 3rd Road
Nanping Keji Industrial Park, Xiangzhou District,
Zhuhai, China 519000
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

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Mangoket LLC cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of toner cartridges, components thereof, and systems containing same (as defined in Definition (G) 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”) (collectively, “the Asserted Patents”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I.
Definitions

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.
(B) “Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.

(C) “Respondent” shall mean Mangoket LLC.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges, components thereof, and systems containing same 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. The toner cartridges, components thereof, and systems containing the same that are subject to this Order are as follows: laser toner cartridges designed for use with Brother printers, fax machines, and MFCs (“Multi-Function Centers”). Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and
assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, infra, for, with, or otherwise on behalf of, Respondent.

III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order. For the remaining terms of the Asserted Patents, Respondent shall not:

(A) import or sell for importation into the United States covered products;
(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered products;
(C) advertise imported covered products;
(D) solicit U.S. agents or distributors for imported covered products; or
(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV. Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

(A) in a written instrument, the owner of the Asserted Patents licenses or authorizes such specific conduct; or
(B) such specific conduct is related to the importation or sale of covered products by or for the United States.

V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this
section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 C.F.R. § 210.4(f) are currently waived. 85 Fed. Reg. 15798 (March 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1174”) in a prominent place on the cover pages and/or the first page. See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf. Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.¹

¹ Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent’s principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

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 Rules 201.16(a) and 210.7(a)(1) (19 CFR 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).

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the expiration of the Asserted Patents.

VIII.
Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section VI of this order should be made in accordance with section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent’s posting of a bond in the amount of 100 percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.
The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (See 19 C.F.R. § 210.68.) The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary’s acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant’s counsel.\(^2\)

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

\(^{2}\) See Footnote 1.
By order of the Commission.

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.:

Lisa M. Kattan, Esq.
BAKER BOTTS L.L.P.
700 K Street, NW
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Email: lisa.kattan@bakerbotts.com

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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.:

Barbara A. Murphy, Esq.
FOSTER, MURPHY, ALTMAN & NICKEL, PC
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On Behalf of Respondents AMI Brothers, Inc. and Globest Trading Inc.:

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Email: ghnath@mayerbrown.com

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☐ Via First Class Mail
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On Behalf of Respondent LD Products, Inc.

Steven E. Adkins, Esq.

☐ Via Hand Delivery
CERTAIN TONER CARTRIDGES, COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME

Certificate of Service – Page 2

McGUIREWOODS LLP
2001 K Street, NW, Suite 400
Washington, DC 20006
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Respondents:

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City of Industry, CA 91789

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Carlos Imaging Supplies, Inc.
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Do It Wiser, LLC
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Irvine, AC 92604

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Ecoolmart Co.
PMB 322
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Rowland Heights, CA 91748

☐ Via Hand Delivery
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Kowloon, Hong Kong 999077

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

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Ikong E-Commerce
PMB 429, 385 South Lemon Avenue
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IPrint Enterprise Limited
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Alhambra, CA 91801

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Smartjet E-Commerce Co., LLC  
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Hong Kong 999077

Super Warehouse Inc.  
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