

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C. 20436**

**In the Matter of  
CERTAIN INK CARTRIDGES AND  
COMPONENTS THEREOF**

**Inv. No. 337-TA-565**

**COMMISSION ORDER**

On October 19, 2007, the Commission issued a general exclusion order, limited exclusion order, and cease and desist orders in the above-captioned investigation.

The general exclusion order prohibits the unlicensed entry of ink cartridges for consumption covered by one or more of claim 7 of U.S. Patent No. 5,615,957 (“the ‘957 patent”); claims 18, 81, 93, 149, and 164 of U.S. Patent No. 5,622,439 (“the ‘439 patent”); claims 83 and 84 of U.S. Patent No. 5,158,377 (“the ‘377 patent”); claims 19 and 20 of U.S. Patent No. 5,221,148 (“the ‘148 patent”); claim 1 of U.S. Patent No. 5,488,401 (“the ‘401 patent”); claims 1, 2, 3, and 9 of U.S. Patent No. 6,502,917 (“the ‘917 patent”); claims 1, 31, and 34 of U.S. Patent No. 6,550,902 (“the ‘902 patent”); claims 1, 10, and 14 of U.S. Patent No. 6,955,422 (“the ‘422 patent”); claim 1 of U.S. Patent No. 7,008,053 (“the ‘053 patent”); and claim 21 of U.S. Patent No. 7,011,397 (“the ‘397 patent”).

The limited exclusion order prohibits the unlicensed entry for consumption of certain ink cartridges that are covered by one or more of claim 165 of the ‘439 patent and claims 29, 31, 34, and 38 of the ‘472 patent that are manufactured abroad by or on behalf of, or imported by or on behalf of defaulting respondents Glory South Software Mfg., Butterfly Image Corp., Mipo International (“Mipo”), Mipo America Ltd. (“Mipo America”), AcuJet USA, Tully Imaging Supplies, Ltd. (“Tully”), Wellink Trading Co., Ltd. (“Wellink”), and Ribbon Tree (Macao) Trading Co. (“Ribbon Tree Macao”) or any of their affiliated companies, parents, subsidiaries, or

other related business entities, or their successors or assigns. The limited exclusion order also prohibits the unlicensed entry for consumption of certain ink cartridges that are covered by one or more of claims 45, 53, and 54 of the '397 patent that are manufactured abroad by or on behalf of, or imported by or on behalf of Mipo, Mipo America, Tully, Wellink, and Ribbon Tree Macao or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns.

The Commission also determined to issue cease and desist orders covering claim 7 of the '957 patent; claims 18, 81, 93, 149, and 164 of the '439 patent; claims 83 and 84 of the '377 patent; claims 19 and 20 of the '148 patent; claim 1 of the '401 patent; claims 1, 2, 3, and 9 of the '917 patent; claims 1, 31, and 34 of the '902 patent; claims 1, 10, and 14 of the '422 patent; claim 1 of the '053 patent; and claim 21 of the '397 patent and directed to domestic respondents Ninestar Technology Company, Ltd., Town Sky Inc., MMC Consumables, Inc., and Dataproducts USA, LLC.

The Commission further determined to issue cease and desist orders covering claim 7 of the '957 patent; claims 18, 81, 93, 149, 164, and 165 of the '439 patent; claims 83 and 84 of the '377 patent; claims 19 and 20 of the '148 patent; claims 29, 31, 34, and 38 of the '472 patent; claim 1 of the '401 patent; claims 1, 2, 3, and 9 of the '917 patent; claims 1, 31, and 34 of the '902 patent; claims 1, 10, and 14 of the '422 patent; claim 1 of the '053 patent; and claims 21, 45, 53, and 54 of the '397 patent (Mipo America only) and directed to defaulting domestic respondents Glory South Software Mfg., Mipo America, and AcuJet U.S.A.

On November 5, 2007, respondents Ninestar Technology Co., Ltd. (Zhuhai), Ninestar Technology Co., Ltd., Town Sky, Inc., and Dataproducts (collectively "Ninestar") filed a combined petition for reconsideration and motion for stay of enforcement of the general exclusion and cease and desist orders relating to the '053, '917, '422, and '902 patents. Ninestar

has moved that the Commission stay the remedial orders pending proceedings at the U.S. Patent and Trademark Office filed by Ninestar for re-examination of these patents. Subsequently, Ninestar filed a motion for leave to file a reply to Epson's response to the petition and motion.

None of the cases cited by Ninestar support the grant of a stay after judgment has been entered or while an appeal is pending. The Commission, having examined the motions and related submissions, hereby **ORDERS THAT --**

1. Ninestar's motion for stay of the remedial orders and its motion for leave to file a reply to Epson's response to that motion are denied.
2. The Secretary to the Commission shall serve a copy of this order upon each party to the investigation.

By order of the Commission.

/s/  
Marilyn R. Abbott  
Secretary to the Commission

Issued: May 13, 2008