

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

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION FINDING THREE RESPONDENTS IN DEFAULT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 31) issued by the presiding administrative law judge (“ALJ”) finding An An Beauty Limited of Kowloon, Hong Kong (“An An Beauty”); Aztech Enterprise Limited of Kowloon, Hong Kong (“Aztech”); and Zhuhai Xiaohui E-Commerce Co., Ltd. of Zhuhai, China (“Xiaohui”) (together, the “Non-Participating Respondents”) in default.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 708-5468. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on September 23, 2019, based on a complaint filed by Brother Industries, Ltd., of Nagoya, Japan; Brother International Corporation (U.S.A.) of Bridgewater, New Jersey; and Brother Industries (U.S.A.), Inc., of Bartlett, Tennessee (together, “Brother”). 84 FR 49762-63. The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain toner cartridges, components thereof, and systems containing same by reason of

infringement of certain claims of U.S. Patent Nos. 9,568,856; 9,575,460; 9,632,456; 9,785,093; and 9,846,387. *Id.* The Commission’s notice of investigation (“NOI”) named 32 respondents, including the Non-Participating Respondents. *Id.* at 49763. The Office of Unfair Import Investigations (“OUII”) is participating in this investigation. *Id.*

The Commission was unable to serve the complaint and notice of investigation on the Non-Participating Respondents. Brother obtained leave to personally serve the Non-Participating Respondents, and successfully served the complaint and notice of investigation on Aztech on October 31, 2019 and on Xiaohui on November 6, 2019. An An Beauty refused service of the complaint and notice of investigation on November 8, 2019. None of the Non-Participating Respondents responded to the complaint and notice of investigation.

On December 11, 2019, Brother filed an unopposed motion for, *inter alia*, an order for the Non-Participating Respondents to show cause why they should not be found in default for failing to respond to the complaint and notice of investigation. On December 23, 2019, OUII filed a response in support of the motion.

On December 30, 2019, the ALJ ordered the Non-Participating Respondents to show cause by January 16, 2020, why they should not be found in default for failing to respond to the complaint and notice of investigation. Order No. 29 (Dec. 30, 2019). The Non-Participating Respondents did not respond to the order.

On January 22, 2020, the ALJ issued the subject ID finding the Non-Participating Respondents in default. No petitions for review of the ID were received.

The Commission has determined not to review the subject ID.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: February 21, 2020