

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

**In the Matter of**

**CERTAIN INKJET INK CARTRIDGES  
WITH PRINTHEADS AND COMPONENTS  
THEREOF**

**Investigation No. 337-TA-723**

**NOTICE OF COMMISSION DETERMINATION TO DENY A MOTION BY NINESTAR  
TO VACATE OR MODIFY A SEIZURE AND FORFEITURE ORDER**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to deny a motion by Ninestar Technology Co. Ltd. of Chino, California (“Ninestar”) to vacate or modify a seizure and forfeiture order.

**FOR FURTHER INFORMATION CONTACT:** Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3042. 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, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://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 June 25, 2010, based on a complaint filed by Hewlett-Packard Company of Palo Alto, California and Hewlett-Packard Development Company, L.P., of Houston, Texas (collectively “HP”). *75 Fed. Reg.* 36442 (June 25, 2010). The complaint alleged violations of section 337 of the Tariff Act of 1930 (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 inkjet ink cartridges with printheads and components thereof by reason of infringement of various claims of United States Patent Nos. 6,234,598; 6,309,053; 6,398,347; 6,481,817; 6,402,279; and 6,412,917 (“the ’917 patent”). The ’917 patent was subsequently terminated from the investigation. The notice of investigation named numerous respondents but did not include Ninestar.

On June 10, 2011, the presiding Administrative Law Judge issued his final initial determination, finding a violation of section 337 by the respondents and recommended issuance of a general exclusion order. The Commission agreed with the ALJ and on October 24, 2011, issued a general exclusion order prohibiting the importation of infringing inkjet ink cartridges with printheads and components thereof. *See* 76 Fed. Reg. 66964 (Oct. 28, 2011).

In June 2015, the Commission received notification from U.S. Customs and Border Protection (“Customs”) in Long Beach, California of an attempted importation of inkjet cartridges by Ninestar. Customs denied entry of the shipment on the grounds that it was covered by the Commission’s general exclusion order. Customs’ denial notification warned Ninestar of the existence of the Commission’s general exclusion order and of the Commission’s authority to issue seizure and forfeiture orders.

On June 11, 2015, the Commission issued a seizure and forfeiture order directed to Ninestar. The seizure and forfeiture order states that inkjet ink cartridges with printheads and components thereof that are imported by Ninestar in violation of the general exclusion order are to be seized and forfeited to the United States.

On June 18, 2015, Ninestar filed a motion to vacate or modify the seizure and forfeiture order. On July 9, 2015, complainants in the underlying investigation, Hewlett-Packard Company of Palo Alto, California and Hewlett-Packard Development Company, L.P., of Houston, Texas filed an opposition to the motion.

Having examined the motion and response, the Commission has determined to deny Ninestar’s motion. The Commission notes that Ninestar has sought redress at Customs through filing a protest and can also avail itself of Commission procedures, including seeking an advisory opinion under Commission Rule 210.79 (19 C.F.R. § 210.79).

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 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton  
Secretary to the Commission

Issued: August 26, 2015