

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN INK CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-946

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO CERTAIN
RESPONDENTS BASED ON A SETTLEMENT AGREEMENT AND
CONSENT ORDER; ISSUANCE OF A CONSENT ORDER**

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. 10) of the presiding administrative law judge (“ALJ”) terminating the investigation as to certain respondents based on a settlement agreement and consent order.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3115. 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 under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), on January 27, 2015, based on a complaint filed by Epson Portland Inc. of Hillsboro, Oregon; Epson America, Inc. of Long Beach, California; and Seiko Epson Corporation of Japan (collectively, “Epson”). The complaint alleges a violation of Section 337 by reason of infringement of certain claims of U.S. Patent Nos. 8,366,233; 8,454,116; 8,794,749; 8,801,163; and 8,882,513 by numerous respondents. 80 *Fed. Reg.* 4314-16 (Jan. 27, 2015). The Office of Unfair Import Investigations is named as a party in this investigation. *Id.* at 4315.

On June 18, 2015, the ALJ issued an ID (Order No. 9) in which the ALJ determined that numerous respondents be found in default. *See* ALJ Order No. 9 (Jun. 18, 2015) (*not reviewed* Jul. 10, 2015).

On the same day, complainants Epson and respondents Zhuhai Nano Digital Technology, Co., Ltd. (China) and Nano Business and Technology, Inc. (USA) (collectively, “Nano Digital”) filed a joint motion to terminate the investigation as to Nano Digital based upon a settlement agreement, consent order stipulation, and a proposed consent order. On June 25, 2015, Epson and Nano Digital filed an amended motion attaching an amended consent order stipulation and an amended proposed consent order. In the amended motion, Epson declares its intent to seek a general exclusion order pursuant to Commission Rule 210.16(c)(2) as a part of this investigation. On July 6, 2015, the Commission investigative attorney filed a response in support of the motion, as amended. There are no other active parties in this investigation, all respondents other than Nano Digital being found in default.

On July 8, 2015, the ALJ issued the subject ID (Order No. 10). The ALJ found that the joint motion, as amended, complies with relevant Commission Rules. The ALJ found no evidence that partial termination of this investigation on the basis of the settlement agreement would impose any undue burdens on public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, or U.S. consumers. The ALJ also found that partial termination is in the public interest, which favors settlement to avoid needless litigation and to conserve public resources. Based on the foregoing, the ALJ granted the joint motion and terminated the investigation as to Nano Digital. No party petitioned for review of Order No. 10, and the Commission has determined not to review it.

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 5, 2015