

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

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”):

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

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:

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

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

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.
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- 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
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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

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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**

Inv. No. 337-TA-1174

Certificate of Service – Page 2

McGUIREWOODS LLP

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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 Commerical 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
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Inv. No. 337-TA-1174

Certificate of Service – Page 3

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

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
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Inv. No. 337-TA-1174

Certificate of Service – Page 4

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

**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 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_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 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.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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

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.
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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.
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Washington, DC 20006
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

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2001 K Street, NW, Suite 400
Washington, DC 20006
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Respondents:

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

- Via Hand Delivery
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- 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

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19945 Harrison Avenue
City of Industry, CA 91789

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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
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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

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**

Inv. No. 337-TA-1174

Certificate of Service – Page 4

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

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 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

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton'.

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 Commerical 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

Certificate of Service – Page 3

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

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**

Inv. No. 337-TA-1174

Certificate of Service – Page 4

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
 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

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 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.

- (B) “Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.
- (C) “Respondent” shall mean Billiontree Technology USA 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

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 Commerical 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
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Inv. No. 337-TA-1174

Certificate of Service – Page 3

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

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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
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**CERTAIN TONER CARTRIDGES, COMPONENTS
THEREOF, AND SYSTEMS CONTAINING SAME**

Inv. No. 337-TA-1174

Certificate of Service – Page 4

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
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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

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 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

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
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- 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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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

McGUIREWOODS LLP

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Email: seadkins@mcguirewoods.com

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2422 Old Capital Trail
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Wilmington, DE 19808

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City of Industry, CA 91789

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Walnut, CA 91789

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PMB 109, 407 West Imperial Highway
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Blaine, WA 98230

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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

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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 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, *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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton'.

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 Commerical 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

Certificate of Service – Page 3

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

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**

Inv. No. 337-TA-1174

Certificate of Service – Page 4

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

**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 Ecoosmart 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, *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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

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 Commerical 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

Certificate of Service – Page 3

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

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**

Inv. No. 337-TA-1174

Certificate of Service – Page 4

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

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

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 Commerical 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

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City of Industry, CA 91789

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- Via First Class Mail
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Hacienda Heights, CA 91745

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Do It Wiser, LLC
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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

Certificate of Service – Page 3

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

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**

Inv. No. 337-TA-1174

Certificate of Service – Page 4

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
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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

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 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

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 Commerical 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

Certificate of Service – Page 3

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

- 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**

Inv. No. 337-TA-1174

Certificate of Service – Page 4

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

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 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton'.

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 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.
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 Commerical 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

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- Via Express Delivery
- Via First Class Mail
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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
Hacienda Heights, CA 91745

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- Via Express Delivery
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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
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- Via First Class Mail
- Other: Service to Be

**CERTAIN TONER CARTRIDGES, COMPONENTS
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Inv. No. 337-TA-1174

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

Completed by Complainants

Via Hand Delivery
 Via Express Delivery
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 Other: Service to Be
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Greencycle Tech, Inc.
9638 Rush Street, Unit E
South El Monte, CA 91733

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
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Completed by Complainants

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Kowloon, Hong Kong 999077

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

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19961 Harrison Avenue
City of Industry, CA 91789

Via Hand Delivery
 Via Express Delivery
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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

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THEREOF, AND SYSTEMS CONTAINING SAME**

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Certificate of Service – Page 4

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

Other: Service to Be
Completed by Complainants

Via Hand Delivery
 Via Express Delivery
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 Other: Service to Be
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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
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 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
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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

**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 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.

- (B) “Complainants” shall mean Brother Industries, Ltd.; Brother International Corporation (U.S.A.); and Brother Industries (U.S.A.), Inc.
- (C) “Respondent” shall mean Hongkong Boze 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

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 Commerical 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

Certificate of Service – Page 3

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

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**

Inv. No. 337-TA-1174

Certificate of Service – Page 4

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

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 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.

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton'.

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

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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

- 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 Commerical 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
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Inv. No. 337-TA-1174

Certificate of Service – Page 3

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

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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
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**CERTAIN TONER CARTRIDGES, COMPONENTS
THEREOF, AND SYSTEMS CONTAINING SAME**

Inv. No. 337-TA-1174

Certificate of Service – Page 4

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

Other: Service to Be
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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

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 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.

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton'.

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

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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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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

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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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Nanping Keji Industrial Park, Xiangzhou District,
Zhuhai, China 519000

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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 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

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 Commerical 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

Certificate of Service – Page 3

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

- 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**

Inv. No. 337-TA-1174

Certificate of Service – Page 4

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

**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_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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

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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- Via First Class Mail
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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

**CERTAIN TONER CARTRIDGES, COMPONENTS
THEREOF, AND SYSTEMS CONTAINING SAME**

Inv. No. 337-TA-1174

Certificate of Service – Page 3

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

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**

Inv. No. 337-TA-1174

Certificate of Service – Page 4

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

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 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton'.

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 Commerical 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

Certificate of Service – Page 3

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

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**

Inv. No. 337-TA-1174

Certificate of Service – Page 4

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

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 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

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 Commerical 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

Certificate of Service – Page 3

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

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**

Inv. No. 337-TA-1174

Certificate of Service – Page 4

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

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 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

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

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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

McGUIREWOODS LLP

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

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Hong Kong 999077

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PMB 540
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2422 Old Capital Trail
Suite 747
Wilmington, DE 19808

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PMB A839
14252 culver Drive
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Ikong E-Commerce
PMB 429, 385 South Lemon Avenue
Suite E
Walnut, CA 91789

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

Via Hand Delivery
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Solong E-Commerce Co., LLC
Flat/Room 19C, Lockhart Center,
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1160 Yew Avenue
DSS-5179
Blaine, WA 98230

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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
 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, *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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

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 Commerical 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

Certificate of Service – Page 3

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

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**

Inv. No. 337-TA-1174

Certificate of Service – Page 4

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

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 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

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**

Inv. No. 337-TA-1174

Certificate of Service – Page 3

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

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**

Inv. No. 337-TA-1174

Certificate of Service – Page 4

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

**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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

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 Commerical Centre
16 Argyle Street, Mongkok, Kowloon,
Hong Kong 999077

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be
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Units 1206, 12/F, Hheuk Nang Center
9 Hillwood Road
Kowloon, Hong Kong 999077

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Wilmington, DE 19808

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South El Monte, CA 91733

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Flat/Room A 27/F, Billion Plaza 2,
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19961 Harrison Avenue
City of Industry, CA 91789

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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
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Completed by Complainants

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

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Other: Service to Be
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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
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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

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 Via First Class Mail
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Super Warehouse Inc.
1160 Yew Avenue
DSS-5179
Blaine, WA 98230

Via Hand Delivery
 Via Express 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

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