

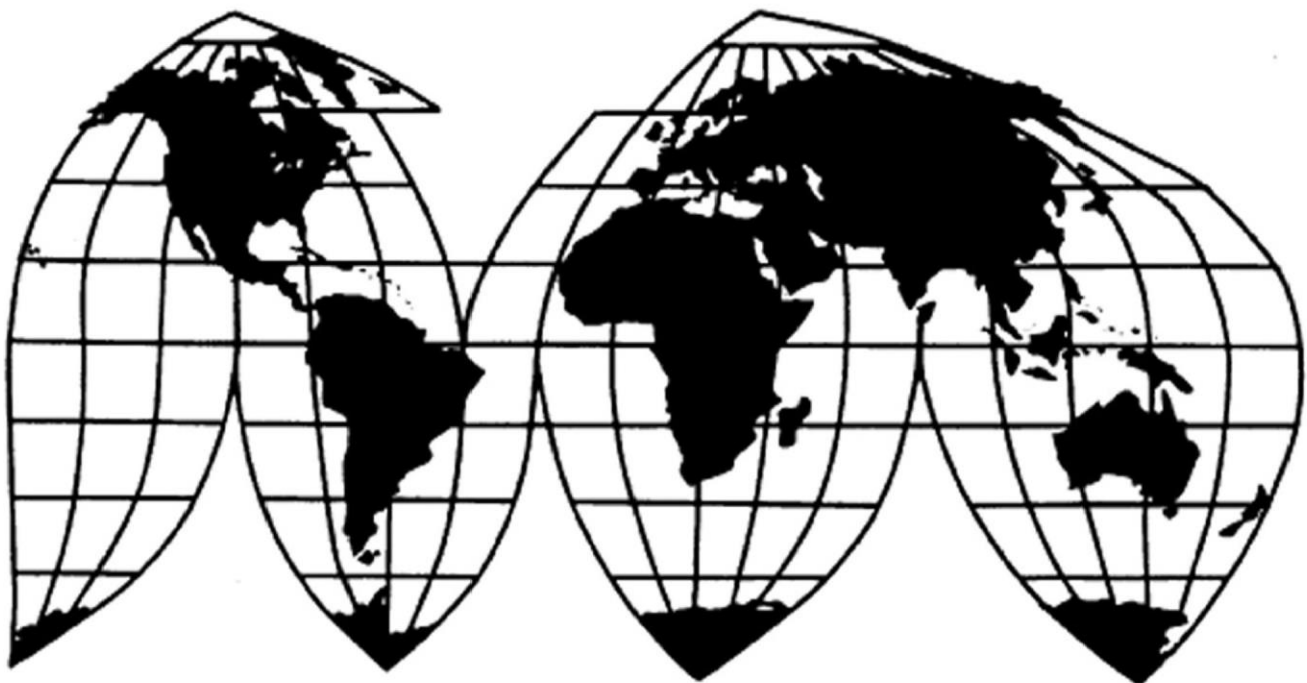
In the Matter of
**CERTAIN TONER CARTRIDGES
AND COMPONENTS THEREOF**

337-TA-829

Publication 4553

November 2017

U.S. International Trade Commission



Washington, DC 20436

U.S. International Trade Commission

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In the Matter of

CERTAIN TONER CARTRIDGES AND COMPONENTS THEREOF

337-TA-829



UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-829

**ISSUANCE OF GENERAL EXCLUSION ORDER AND CEASE AND DESIST ORDERS;
TERMINATION OF INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to issue a general exclusion order ("GEO") and cease and desist orders ("CDOs") in the above-captioned investigation. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2392. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on February 27, 2012, based upon a complaint filed on behalf of Canon, Inc. of Tokyo, Japan; Canon U.S.A., Inc. of Lake Success, New York; and Canon Virginia, Inc. of Newport News, Virginia (collectively, "Canon") on January 23, 2012. *77 Fed. Reg.* 11586 (Feb. 27, 2012). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337) in the sale for importation, importation, or sale after importation of certain toner cartridges and components thereof that infringe one or more of claims 128-130, 132 -133 and 139-143 of U.S. Patent Nos. 5,903,803 ("the '803 patent") or claims 24-30 of U.S. Patent No. 6,128,454 ("the '454 patent"). The notice of investigation named thirty-four respondents.

On August 30, 2012, the ALJ issued an initial determination finding the following sixteen respondents in default: Shanghai Orink Infotech International Co., Ltd. of Shanghai, China; Orink Infotech International Co., Ltd. of Hong Kong, China; Zhuhai Rich Imaging Technology

Co., Ltd. of Guangdong, China; Standard Image Co., Ltd. (a/k/a Shanghai Orink Co., Ltd.) of Shanghai, China; Zhuhai National Resources & Jingjie Imaging Products Co., Ltd. (d/b/a Huebon Co., Ltd., d/b/a Ink-Tank) of Guangdong, China; Standard Image USA, Inc. (d/b/a Imaging Standard Inc.) of Santa Ana, California; Printronic Corporation (d/b/a Printronic.com, d/b/a InkSmile.com) of Santa Ana, California; Nukote, Inc. of Plano, Texas; Acecom, Inc. – San Antonio (d/b/a InkSell.com) of San Antonio, Texas; Do It Wiser LLC (d/b/a Image Toner) of Marietta, Georgia; E-Max Group, Inc. (d/b/a Databazaar.com) of Miramar, Florida; IJSS Inc. (d/b/a TonerZone.com, d/b/a InkJetSuperstore.com) of Los Angeles, California; Imaging Resources LLC of Chatsworth, California; Ink Technologies Printer Supplies, LLC of Dayton, Ohio; SupplyBuy.com, Inc. of Nashville, Tennessee; and Zinyaw LLC (d/b/a TonerPirate.com) of Houston, Texas. Order No. 14 (nonreviewed October 2, 2012).

On October 10, 2012, the ALJ issued an ID granting Canon's unopposed motion to withdraw the complaint as to respondent, Nukote Internacional de Mexico, S.A. de C.V. of Neuva Leon, Mexico and thereby to terminate this respondent from the investigation. Order No. 17 (nonreviewed Nov. 14, 2012).

The remaining respondents were terminated from the investigation on the basis of consent orders: Clover Holdings, Inc.; Clover Technologies Group LLC; Clover Vietnam Co., Ltd.; Dataproducts USA, LLC; Dataproducts Imaging Solutions S.A. de C.V.; CAU Acquisition Co., LLC (d/b/a Cartridges Are Us); Atman, Inc. (d/b/a pcRUSH.com); Dexxon Digital Storage, Inc.; Discount Office Items, Inc. and Deal Express LLC (d/b/a Discount Office Items); Green Project, Inc.; GreenLine Paper Co., Inc.; Myriad Greeyn LLC; Office World Inc. and OfficeWorld.com, Inc.; OnlineTechStores.com, Inc. (d/b/a SuppliesOutlet.com); and Virtual Imaging Products, Inc. Order No. 8 (nonreviewed July 16, 2012); Order No. 12 (nonreviewed Aug. 10, 2012); Order No. 18 (nonreviewed Nov. 14, 2012); Order No. 19 (nonreviewed Nov. 14, 2012); Order No. 20 (nonreviewed Nov. 14, 2012); Order No. 22 (nonreviewed Dec. 13, 2012). Accordingly, the only parties remaining active in this investigation are Canon and the Investigative Attorney ("IA").

On September 21, 2012, Canon filed a motion for summary determination that it satisfies the economic prong of the domestic industry requirement. On October 4, 2012, the IA submitted a response supporting the motion. On February 26, 2013, the ALJ issued an ID (Order No. 24), granting the motion. On March 25, 2013, the Commission determined not to review the ID.

On November 16, 2012, Canon filed a motion for summary determination of violation with respect to the defaulting respondents. On February 28, 2013, the ALJ issued his final initial determination on violation and recommendation on remedy ("ID/RD"), Order No. 25, granting the motion. The ALJ recommended issuance of a general exclusion order, issuance of cease and desist orders to the eleven defaulting domestic respondents, and the imposition of a bond of 100 percent of entered value during the period of Presidential review. On April 17, 2013, the Commission issued notice of its determination not to review the ALJ's final determination on violation.

The Commission has determined that the appropriate form of relief is the following: (1) a GEO under 19 U.S.C. § 1337(d)(2), prohibiting the unlicensed entry of toner cartridges and

components thereof that infringe one or more of claims 128-130, 132, 133 and 139-143 of the '803 patent or claims 24-30 of the '454 patent; and (2) CDOs directed to defaulting domestic respondents Standard Image USA, Inc.; Printronic Corporation; Nukote, Inc.; Do It Wiser LLC; E-Max Group, Inc.; IJSS Inc.; Imaging Resources, LLC; Ink Technologies Printer Supplies LLC; SupplyBuy.com, Inc.; Zinyaw LLC; and Acecom Inc.-San Antonio; and defaulting foreign respondents Shanghai Orink Infotech International Co., Orink Infotech International Co., Zhuhai Rich Imaging Technology Co., Ltd; Standard Image Co., Ltd; and Zhuhai National Resources & Jingjie Imaging Products Co., Ltd.

The Commission has further determined that the public interest factors enumerated in section 337(d) and (f) (19 U.S.C. §§ 1337(d), (f)) do not preclude issuance of the GEO and the CDOs. The Commission has determined that the bond for temporary importation during the period of Presidential review (19 U.S.C. § 1337(j)) shall be in the amount of 100 percent of the entered value of the imported articles that are subject to the order. The Commission's orders were delivered to the President and the United States Trade Representative on the day of their issuance.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in sections 210.42-50 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42-50).

By order of the Commission.



Lisa R. Barton
Acting Secretary to the Commission

Issued: June 28, 2013

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

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-829

GENERAL EXCLUSION ORDER

The 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 and sale of certain toner cartridges and components thereof covered by one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”).

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determinations on the issues of remedy, the public interest, and bonding. The Commission has determined that a general exclusion from entry for consumption is necessary, and accordingly, the Commission has determined to issue a general exclusion order prohibiting the unlicensed importation of infringing toner cartridges and components thereof.

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, and that the bond during the Presidential review period shall be in the amount of 100 percent of the entered value of the articles in question.

Accordingly, the Commission hereby ORDERS that:

1. Toner cartridges and components thereof covered by one or more of claims 128-130, 132-133, and 139-143 of the '803 patent or claims 24-30 of the '454 patent are excluded from entry into the United States for consumption, 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 of the patent owner or as provided by law.
2. Notwithstanding paragraph 1 of this Order, the aforesaid toner cartridges and components thereof 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 100 percent of the entered value of the products, 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 days after the date of receipt of this Order.
3. At the discretion of U.S. Customs and Border Protection ("CBP") and pursuant to procedures that it establishes, persons seeking to import toner cartridges and components thereof 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.

4. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to toner cartridges and components thereof 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.
5. The Commission may modify this Order 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).
6. The Commission Secretary shall serve copies of this Order upon each party of record in this investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and U.S. Customs and Border Protection.
7. 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
Acting Secretary to the Commission

Issued: June 28, 2013

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

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-829

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Acecom, Inc. - San Antonio, d/b/a InkSell.com, of 14833 Bulverde Road, San Antonio, Texas 78247, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) 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 Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.
- (C) “Defaulting Respondent” shall mean Acecom, Inc. - San Antonio, d/b/a InkSell.com, of 14833 Bulverde Road, San Antonio, Texas 78247.
- (D) “Person” shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Defaulting 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 and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the '803 patent, or claims 24-30 of the '454 patent.

II. Applicability

The provisions of this Cease and Desist order shall apply to the Defaulting 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 the Defaulting Respondent.

III. Conduct Prohibited

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the '803 and '454 patents, the Defaulting Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, 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, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

V. Reporting

Within thirty (30) days of the last day of the reporting period, the Defaulting 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.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Respondents filing written submissions must file the original document electronically on

or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") 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). Any Respondent desiring to submit a document to the Commission in confidence 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 Complainants' counsel.¹ 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, the Defaulting 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

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.

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, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy 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, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

**VII.
Service of Cease and Desist order**

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen 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 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 later expiration date of the '803 and '454 patents.

VIII.
Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and 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, the Defaulting 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 the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting 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 the Defaulting

Respondent's posting of a bond in the amount of one hundred (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) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' 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 the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event 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, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the

² *See* note 1 above.

Defaulting Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive, with the first name "Lisa" being the most prominent part.

Lisa R. Barton
Acting Secretary to the Commission

Issued: June 28, 2013

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

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-829

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Do It Wiser LLC, d/b/a Image Toner, of 1720 Cumberland Point Drive, Suite 21, Marietta, Georgia 30067, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) 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 Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.

(C) “Defaulting Respondent” shall mean Do It Wiser LLC, d/b/a Image Toner, of 1720 Cumberland Point Drive, Suite 21, Marietta, Georgia 30067.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Defaulting 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 and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the '803 patent, or claims 24-30 of the '454 patent.

II. Applicability

The provisions of this Cease and Desist order shall apply to the Defaulting 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 the Defaulting Respondent.

III. Conduct Prohibited

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the '803 and '454 patents, the Defaulting Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, 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, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

V. Reporting

Within thirty (30) days of the last day of the reporting period, the Defaulting 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.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Respondents filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") 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). Any Respondent desiring to submit a document to the Commission in confidence 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 Complainants' counsel.¹ 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, the Defaulting 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.

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.

(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, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy 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, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

VII.
Service of Cease and Desist order

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen 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 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 later expiration date of the '803 and '454 patents.

VIII.
Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and 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, the Defaulting 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 the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting 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 the Defaulting

Respondent's posting of a bond in the amount of one hundred (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) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' 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 the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event 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, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the

² *See* note 1 above.

Defaulting Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive.

Lisa R. Barton
Acting Secretary to the Commission

Issued: June 28, 2013

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

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-829

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT E-Max Group, Inc., d/b/a Databazaar.com, of 12070 Miramar Parkway, Miramar, Florida 33025, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) 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 Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.

(C) “Defaulting Respondent” shall mean E-Max Group, Inc., d/b/a Databazaar.com, of 12070 Miramar Parkway, Miramar, Florida 33025.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Defaulting 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 and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the '803 patent, or claims 24-30 of the '454 patent.

II. Applicability

The provisions of this Cease and Desist order shall apply to the Defaulting 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 the Defaulting Respondent.

III. Conduct Prohibited

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the '803 and '454 patents, the Defaulting Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, 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, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

V. Reporting

Within thirty (30) days of the last day of the reporting period, the Defaulting 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.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Respondents filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") 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). Any Respondent desiring to submit a document to the Commission in confidence 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 Complainants' counsel.¹ 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, the Defaulting 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.

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.

(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, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy 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, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

VII.
Service of Cease and Desist order

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen 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 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 later expiration date of the '803 and '454 patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and 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, the Defaulting 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 the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting 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 the Defaulting

Respondent's posting of a bond in the amount of one hundred (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) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' 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 the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event 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, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the

² *See* note 1 above.

Defaulting Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive.

Lisa R. Barton
Acting Secretary to the Commission

Issued: June 28, 2013

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

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-829

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT IJSS Inc., d/b/a TonerZone.com, d/b/a InkJetSuperstore.com, of 6380 Wilshire Boulevard, Suite 1018, Los Angeles, California 90048, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) 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 Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.
- (C) “Defaulting Respondent” shall mean IJSS Inc., d/b/a TonerZone.com, d/b/a

InkJetSuperstore.com, of 6380 Wilshire Boulevard, Suite 1018, Los Angeles, California 90048.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Defaulting 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 and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the ’803 patent, or claims 24-30 of the ’454 patent.

II. Applicability

The provisions of this Cease and Desist order shall apply to the Defaulting 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 the Defaulting Respondent.

III. Conduct Prohibited

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the ’803 and ’454 patents, the Defaulting Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, 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, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

V. Reporting

Within thirty (30) days of the last day of the reporting period, the Defaulting 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.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered

products in the United States.

Respondents filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") 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). Any Respondent desiring to submit a document to the Commission in confidence 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 Complainants' counsel.¹ 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, the Defaulting 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

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.

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, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy 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, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

VII. Service of Cease and Desist order

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen 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 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 later expiration date of the '803 and '454 patents.

VIII.
Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and 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, the Defaulting 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 the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting 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 the Defaulting

Respondent's posting of a bond in the amount of one hundred (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) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' 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 the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event 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, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the

² *See* note 1 above.

Defaulting Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive, with the first name "Lisa" being the most prominent.

Lisa R. Barton
Acting Secretary to the Commission

Issued: June 28, 2013

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

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-829

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Imaging Resources, LLC, of 9434 Mason Avenue, Chatsworth, California 91311, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) 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 Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.

(C) “Defaulting Respondent” shall mean Imaging Resources, LLC, of 9434 Mason Avenue, Chatsworth, California 91311.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Defaulting 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 and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the ’803 patent, or claims 24-30 of the ’454 patent.

II. Applicability

The provisions of this Cease and Desist order shall apply to the Defaulting 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 the Defaulting Respondent.

III. Conduct Prohibited

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the ’803 and ’454 patents, the Defaulting Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, 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, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

V. Reporting

Within thirty (30) days of the last day of the reporting period, the Defaulting 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.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Respondents filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") 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). Any Respondent desiring to submit a document to the Commission in confidence 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 Complainants' counsel.¹ 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, the Defaulting 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.

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.

(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, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy 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, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

VII.
Service of Cease and Desist order

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen 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 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 later expiration date of the '803 and '454 patents.

VIII.
Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and 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, the Defaulting 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 the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting 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 the Defaulting

Respondent's posting of a bond in the amount of one hundred (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) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' 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 the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event 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, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the

² *See* note 1 above.

Defaulting Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive, with the first name "Lisa" being the most prominent part.

Lisa R. Barton
Acting Secretary to the Commission

Issued: June 28, 2013

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

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-829

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Ink Technologies Printer Supplies, LLC, of 7600 McEwen Road, Dayton, Ohio 45459, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) 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 Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.

(C) “Defaulting Respondent” shall mean Ink Technologies Printer Supplies, LLC, of 7600 McEwen Road, Dayton, Ohio 45459.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Defaulting 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 and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the '803 patent, or claims 24-30 of the '454 patent.

II. Applicability

The provisions of this Cease and Desist order shall apply to the Defaulting 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 the Defaulting Respondent.

III. Conduct Prohibited

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the '803 and '454 patents, the Defaulting Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, 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, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

V. Reporting

Within thirty (30) days of the last day of the reporting period, the Defaulting 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.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Respondents filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") 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). Any Respondent desiring to submit a document to the Commission in confidence 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 Complainants' counsel.¹ 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, the Defaulting 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.

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.

(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, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy 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, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

VII.
Service of Cease and Desist order

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen 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 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 later expiration date of the '803 and '454 patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and 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, the Defaulting 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 the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting 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 the Defaulting

Respondent's posting of a bond in the amount of one hundred (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) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' 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 the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event 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, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the

² *See* note 1 above.

Defaulting Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive, with the first name "Lisa" being the most prominent part.

Lisa R. Barton
Acting Secretary to the Commission

Issued: June 28, 2013

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

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-829

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Nukote, Inc., of 2400 Dallas Parkway, Suite 230, Plano, Texas 75093, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) 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 Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.

(C) “Defaulting Respondent” shall mean Nukote, Inc., of 2400 Dallas Parkway, Suite 230, Plano, Texas 75093.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Defaulting 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 and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the ’803 patent, or claims 24-30 of the ’454 patent.

II. Applicability

The provisions of this Cease and Desist order shall apply to the Defaulting 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 the Defaulting Respondent.

III. Conduct Prohibited

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the ’803 and ’454 patents, the Defaulting Respondent shall not:

- (A) import or sell for importation into the United States covered products;
- (B) market, distribute, 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, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

V. Reporting

Within thirty (30) days of the last day of the reporting period, the Defaulting 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.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Respondents filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") 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). Any Respondent desiring to submit a document to the Commission in confidence 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 Complainants' counsel.¹ 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, the Defaulting 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.

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.

(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, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy 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, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

VII.
Service of Cease and Desist order

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen 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 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 later expiration date of the '803 and '454 patents.

VIII.
Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and 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, the Defaulting 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 the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting 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 the Defaulting

Respondent's posting of a bond in the amount of one hundred (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) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' 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 the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event 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, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the

² *See* note 1 above.

Defaulting Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized with a large, sweeping initial "L" and "B".

Lisa R. Barton
Acting Secretary to the Commission

Issued: June 28, 2013

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

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-829

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Orink Infotech International Co., Ltd., of 11/F AXA Center, No. 151 Gloucester Road, Wan Chai, Hong Kong, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) 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 Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.

(C) “Defaulting Respondent” shall mean Orink Infotech International Co., Ltd., of 11/F

AXA Center, No. 151 Gloucester Road, Wan Chai, Hong Kong.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Defaulting 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 and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the ’803 patent, or claims 24-30 of the ’454 patent.

II. Applicability

The provisions of this Cease and Desist order shall apply to the Defaulting 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 the Defaulting Respondent.

III. Conduct Prohibited

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the ’803 and ’454 patents, the Defaulting Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, 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, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

V. Reporting

Within thirty (30) days of the last day of the reporting period, the Defaulting 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.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered

products in the United States.

Respondents filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") 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). Any Respondent desiring to submit a document to the Commission in confidence 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 Complainants' counsel.¹ 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, the Defaulting 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

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.

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, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy 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, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

VII. Service of Cease and Desist order

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen 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 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 later expiration date of the '803 and '454 patents.

VIII.
Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and 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, the Defaulting 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 the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting 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 the Defaulting

Respondent's posting of a bond in the amount of one hundred (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) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' 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 the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event 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, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the

² *See* note 1 above.

Defaulting Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized with a large, sweeping initial "L" and "B".

Lisa R. Barton
Acting Secretary to the Commission

Issued: June 28, 2013

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

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-829

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Printronic Corporation, d/b/a Printronic.com, d/b/a InkSmile.com, of 1621 East Saint Andrew Place, Santa Ana, California 92705, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) 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 Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.
- (C) “Defaulting Respondent” shall mean Printronic Corporation, d/b/a Printronic.com,

d/b/a InkSmile.com, of 1621 East Saint Andrew Place, Santa Ana, California 92705.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Defaulting 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 and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the ’803 patent, or claims 24-30 of the ’454 patent.

II. Applicability

The provisions of this Cease and Desist order shall apply to the Defaulting 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 the Defaulting Respondent.

III. Conduct Prohibited

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the ’803 and ’454 patents, the Defaulting Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, 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, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

V. Reporting

Within thirty (30) days of the last day of the reporting period, the Defaulting 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.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered

products in the United States.

Respondents filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") 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). Any Respondent desiring to submit a document to the Commission in confidence 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 Complainants' counsel.¹ 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, the Defaulting 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

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.

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, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy 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, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

VII.
Service of Cease and Desist order

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen 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 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 later expiration date of the '803 and '454 patents.

VIII.
Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and 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, the Defaulting 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 the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting 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 the Defaulting

Respondent's posting of a bond in the amount of one hundred (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) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' 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 the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event 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, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the

² *See* note 1 above.

Defaulting Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive.

Lisa R. Barton
Acting Secretary to the Commission

Issued: June 28, 2013

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

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-829

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Shanghai Orink Infotech International Co., Ltd., of No. 275-8 East Guoding Road (Room 307), Shanghai, China 200433, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) 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 Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.

(C) “Defaulting Respondent” shall mean Shanghai Orink Infotech International Co., Ltd.,

of No. 275-8 East Guoding Road (Room 307), Shanghai, China 200433.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Defaulting 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 and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the ’803 patent, or claims 24-30 of the ’454 patent.

II. Applicability

The provisions of this Cease and Desist order shall apply to the Defaulting 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 the Defaulting Respondent.

III. Conduct Prohibited

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the ’803 and ’454 patents, the Defaulting Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, 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, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

V. Reporting

Within thirty (30) days of the last day of the reporting period, the Defaulting 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.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered

products in the United States.

Respondents filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") 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). Any

Respondent desiring to submit a document to the Commission in confidence 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 Complainants' counsel.¹ 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, the Defaulting 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

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.

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, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy 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, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

VII. Service of Cease and Desist order

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen 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 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 later expiration date of the '803 and '454 patents.

VIII.
Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and 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, the Defaulting 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 the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting 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 the Defaulting

Respondent's posting of a bond in the amount of one hundred (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) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' 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 the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event 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, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the

² *See* note 1 above.

Defaulting Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive, with the first name "Lisa" written in a large, flowing script, and "R. Barton" written in a smaller, more compact script to the right.

Lisa R. Barton
Acting Secretary to the Commission

Issued: June 28, 2013

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

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-829

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Standard Image Co., Ltd., a/k/a Shanghai Orink Co., Ltd., of Building A (Room 507-508), No. 1555, Kongjiang Road, Yangpu District, Shanghai, China 200092, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) 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 Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.
- (C) “Defaulting Respondent” shall mean Standard Image Co., Ltd., a/k/a Shanghai Orink

Co., Ltd., of Building A (Room 507-508), No. 1555, Kongjiang Road, Yangpu District, Shanghai, China 200092.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Defaulting 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 and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the ’803 patent, or claims 24-30 of the ’454 patent.

II. Applicability

The provisions of this Cease and Desist order shall apply to the Defaulting 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 the Defaulting Respondent.

III. Conduct Prohibited

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the ’803 and ’454 patents, the Defaulting Respondent shall not:

(A) import or sell for importation into the United States covered products;

- (B) market, distribute, 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, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

**V.
Reporting**

Within thirty (30) days of the last day of the reporting period, the Defaulting 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.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will

have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Respondents filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") 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). Any

Respondent desiring to submit a document to the Commission in confidence 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 Complainants' counsel.¹ 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, the Defaulting 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,

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.

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, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy 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, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

VII. Service of Cease and Desist order

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen 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 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 later expiration date of the '803 and '454 patents.

VIII.
Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and 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, the Defaulting 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 the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting 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 the Defaulting

Respondent's posting of a bond in the amount of one hundred (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) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' 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 the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event 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, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the

² *See* note 1 above.

Defaulting Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized with a large, sweeping initial "L" and "B".

Lisa R. Barton
Acting Secretary to the Commission

Issued: June 28, 2013

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

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-829

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Standard Image USA, Inc., d/b/a Imaging Standard Inc., of 1621 East Saint Andrew Place, Santa Ana, California 92705, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) 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 Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.
- (C) “Defaulting Respondent” shall mean Standard Image USA, Inc., d/b/a Imaging

Standard Inc., of 1621 East Saint Andrew Place, Santa Ana, California 92705.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Defaulting 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 and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the ’803 patent, or claims 24-30 of the ’454 patent.

II. Applicability

The provisions of this Cease and Desist order shall apply to the Defaulting 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 the Defaulting Respondent.

III. Conduct Prohibited

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the ’803 and ’454 patents, the Defaulting Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, 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, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

V. Reporting

Within thirty (30) days of the last day of the reporting period, the Defaulting 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.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered

products in the United States.

Respondents filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") 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). Any Respondent desiring to submit a document to the Commission in confidence 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 Complainants' counsel.¹ 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, the Defaulting 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

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.

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, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy 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, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

VII. Service of Cease and Desist order

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen 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 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 later expiration date of the '803 and '454 patents.

VIII.
Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and 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, the Defaulting 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 the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting 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 the Defaulting

Respondent's posting of a bond in the amount of one hundred (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) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' 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 the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event 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, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the

² *See* note 1 above.

Defaulting Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive.

Lisa R. Barton
Acting Secretary to the Commission

Issued: June 28, 2013

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

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-829

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT SupplyBuy.com, Inc., of 230 4th Avenue N, Suite 300D, Nashville, Tennessee 37219, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) 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 Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.

(C) “Defaulting Respondent” shall mean SupplyBuy.com, Inc., of 230 4th Avenue N, Suite 300D, Nashville, Tennessee 37219.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Defaulting 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 and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the ’803 patent, or claims 24-30 of the ’454 patent.

II. Applicability

The provisions of this Cease and Desist order shall apply to the Defaulting 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 the Defaulting Respondent.

III. Conduct Prohibited

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the ’803 and ’454 patents, the Defaulting Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, 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, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

V. Reporting

Within thirty (30) days of the last day of the reporting period, the Defaulting 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.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Respondents filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") 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). Any Respondent desiring to submit a document to the Commission in confidence 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 Complainants' counsel.¹ 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, the Defaulting 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.

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.

(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, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy 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, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

VII.
Service of Cease and Desist order

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen 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 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 later expiration date of the '803 and '454 patents.

VIII.
Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and 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, the Defaulting 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 the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting 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 the Defaulting

Respondent's posting of a bond in the amount of one hundred (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) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' 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 the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event 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, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the

² *See* note 1 above.

Defaulting Respondent to the Commission.

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
Acting Secretary to the Commission

Issued: June 28, 2013

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

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-829

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Zhuhai National Resources & Jingjie Imaging Products Co., Ltd., d/b/a Huebon Co., Limited, d/b/a Ink-Tank, of 3/F, No. 1 Industrial Building, Pingdong 2 Road, Nanping Science & Technology Park, Zhuhai, Guangdong Province, China 519060, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) 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 Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.

(C) “Defaulting Respondent” shall mean Zhuhai National Resources & Jingjie Imaging Products Co., Ltd., d/b/a Huebon Co., Limited, d/b/a Ink-Tank, of 3/F, No. 1 Industrial Building, Pingdong 2 Road, Nanping Science & Technology Park, Zhuhai, Guangdong Province, China 519060.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Defaulting 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 and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the ’803 patent, or claims 24-30 of the ’454 patent.

II. Applicability

The provisions of this Cease and Desist order shall apply to the Defaulting 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 the Defaulting Respondent.

III. Conduct Prohibited

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the ’803 and ’454 patents, the Defaulting Respondent shall

not:

- (A) import or sell for importation into the United States covered products;
- (B) market, distribute, 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, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

V. Reporting

Within thirty (30) days of the last day of the reporting period, the Defaulting 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.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section

shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Respondents filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") 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). Any Respondent desiring to submit a document to the Commission in confidence 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 Complainants' counsel.¹ 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, the Defaulting Respondent

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.

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, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy 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, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

VII. Service of Cease and Desist order

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen 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 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 later expiration date of the '803 and '454 patents.

**VIII.
Confidentiality**

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and 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, the Defaulting 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 the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting 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 the Defaulting Respondent's posting of a bond in the amount of one hundred (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) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' 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 the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not

² *See* note 1 above.

disapproved) by the United States Trade Representative, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the Defaulting Respondent to the Commission.

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
Acting Secretary to the Commission

Issued: June 28, 2013

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

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-829

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Zhuhai Rich Imaging Technology Co., Ltd., of F4, B1, No. 7 Pingxiyi Road, Nanping S&T Industry Community, Zhuhai, Guangdong Province, China 519060, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) 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 Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.
- (C) “Defaulting Respondent” shall mean Zhuhai Rich Imaging Technology Co., Ltd., of

F4, B1, No. 7 Pingxiyi Road, Nanping S&T Industry Community, Zhuhai, Guangdong Province, China 519060.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Defaulting 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 and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the ’803 patent, or claims 24-30 of the ’454 patent.

II. Applicability

The provisions of this Cease and Desist order shall apply to the Defaulting 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 the Defaulting Respondent.

III. Conduct Prohibited

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the ’803 and ’454 patents, the Defaulting Respondent shall not:

(A) import or sell for importation into the United States covered products;

- (B) market, distribute, 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, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

V. Reporting

Within thirty (30) days of the last day of the reporting period, the Defaulting 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.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will

have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Respondents filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") 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). Any

Respondent desiring to submit a document to the Commission in confidence 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 Complainants' counsel.¹ 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, the Defaulting 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,

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.

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, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy 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, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

VII. Service of Cease and Desist order

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen 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 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 later expiration date of the '803 and '454 patents.

VIII.
Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and 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, the Defaulting 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 the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting 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 the Defaulting

Respondent's posting of a bond in the amount of one hundred (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) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' 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 the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event 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, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the

² *See* note 1 above.

Defaulting Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive, with the first name "Lisa" being the most prominent part.

Lisa R. Barton
Acting Secretary to the Commission

Issued: June 28, 2013

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

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-829

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Zinyaw LLC, d/b/a TonerPirate.com, of 14781 Memorial Drive, Suite 1359, Houston, Texas 77079, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) 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 Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.

(C) “Defaulting Respondent” shall mean Zinyaw LLC, d/b/a TonerPirate.com, of 14781 Memorial Drive, Suite 1359, Houston, Texas 77079.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Defaulting 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 and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the ’803 patent, or claims 24-30 of the ’454 patent.

II. Applicability

The provisions of this Cease and Desist order shall apply to the Defaulting 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 the Defaulting Respondent.

III. Conduct Prohibited

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the ’803 and ’454 patents, the Defaulting Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, 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, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

V. Reporting

Within thirty (30) days of the last day of the reporting period, the Defaulting 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.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Respondents filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") 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). Any Respondent desiring to submit a document to the Commission in confidence 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 Complainants' counsel.¹ 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, the Defaulting 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.

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.

(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, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy 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, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

**VII.
Service of Cease and Desist order**

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen 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 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 later expiration date of the '803 and '454 patents.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and 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, the Defaulting 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 the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting 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 the Defaulting

Respondent's posting of a bond in the amount of one hundred (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) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' 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 the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event 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, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the

² *See* note 1 above.

Defaulting Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive, with the first name "Lisa" and the last name "Barton" clearly visible.

Lisa R. Barton
Acting Secretary to the Commission

Issued: June 28, 2013

**CERTAIN TONER CARTRIDGES AND COMPONENTS
THEREOF**

337-TA-829

CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served by hand upon the Commission Investigative Attorney, Lisa Murray, Esq., and the following parties as indicated, on **June 28, 2013**



Lisa R. Barton, Acting Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

On Behalf of Complainants:

Nicholas M. Cannella, Esq.

FITZPATRICK, CELLA, HARPER & SCINTO

1290 Avenue of the Americas

New York, NY 10104

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

**On Behalf of Respondents Clover Holdings, Inc; Clover Technologies Group, LLC;
Clover Vietnam Co., Ltd.; Dataproducts USA, LLC; Dataproducts Imaging
Solutions S.A. de C.V.; and CAU Acquisition Company, LLC; Dexxon Digital
Storage, Inc.; Discount Office Items, Inc.; Deal Express LLC; GreenLine Paper
Company, Inc.; Myriad Greevn LLC, Office World, Inc.; and OfficeWorld.com,
Inc.:**

D. Sean Trainor, Esq.

KIRKLAND & ELLIS LLP

655 Fifteenth Street, N.W.

Washington, DC 20005-5701

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

**On Behalf of Respondents Green Project, Inc. and Acecom, Inc. - San Antonio d/b/a
Inksell.com:**

Aaron Craig

FOX ROTHSCHILD LLP

1055 West 7th Street, Suite 1880

Los Angeles, California 90017

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

On Behalf of Respondent OnlineTechStores.com, Inc.:

Sang Dang
BLUE CAPITAL LAW FIRM, P.C.
600 Anton Blvd., Suite 1000
Costa Mesa, CA 92626

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: _____

On Behalf of Imaging Resources, LLC:

Scott J. Pivnick
ALSTON & BIRD LLP
The Atlantic Building
950 F Street, NW
Washington, DC 20004

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- OTHER

On Behalf of Do It Wiser LLC:

Kenneth M. Motolenich-Salas
WEISS & MOY, P.C.
4204 N. Brown Ave.
Scottsdale, AZ 85251

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- OTHER

Respondents:

Shanghai Orink Infotech
Other Co., Ltd.
Room 307, No. 275-8 East Guoding Road
Shanghai, China 200433

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- OTHER

Orink Infotech Other Co., Ltd.
Unit 1205, 12F/L, Sino Plaza
255 Gloucester Road
Causeway Bay, Hong Kong

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- OTHER

Zhuhai Rich Imaging Technology Co., Ltd.
F4, B1, No.7 Pingxiyi Road
Nanping S&T Industry Community
Zhuhai, Guangdong Province, China 519060

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- OTHER

Standard Image Co., Ltd.
(a/k/a Shanghai Orink Co., Ltd.)
Room 507-508, Building A
No. 1555, Kongjiang Road
Yangpu District, Shanghai, China 200092

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- OTHER

Zhuhai National Resources & Jingjie Imaging Products
Co., Ltd.
(d/b/a Huebon Co., Limited (d/b/a Ink-Tank))
3/F, No. 1 Industrial Building
Pingdong 2 Road, Nanping Science & Technology Park
Zhuhai, Guangdong Province, China 519060

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- OTHER

Standard Image USA, Inc.
(d/b/a Imaging Standard Inc.)
1621 East Saint Andrew Place
Santa Ana, CA 92705

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Printronic Corporation
(d/b/a Printronic.com(d/b/a InkSmile.com))
1621 East Saint Andrew Place
Santa Ana, CA 92705

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Nukote, Inc.
2400 Dallas Parkway, Suite 230
Plano, TX 75093

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

E-Max Group, Inc.
(d/b/a Databazaar.com)
12070 Miramar Parkway
Miramar, FL 33025

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

IJSS Inc.
(d/b/a TonerZone.com
(d/b/a InkJetSuperstore.com))
6380 Wilshire Boulevard, Suite 1018
Los Angeles, CA 90048

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

InkTechnologies Printer Supplies, LLC
7600 McEwen Road
Dayton, OH 45459

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

SupplyBuy.com, Inc.
230 4th Avenue N, Suite 300D
Nashville, TN 37219

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Zinyaw LLC
(d/b/a TonerPirate.com)
14781 Memorial Drive, Suite 1359
Houston, TX 77079

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

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

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-829

COMMISSION OPINION

I. BACKGROUND

The Commission instituted this investigation on February 27, 2012, based upon a complaint filed on behalf of Canon, Inc. of Tokyo, Japan; Canon U.S.A., Inc. of Lake Success, New York; and Canon Virginia, Inc. of Newport News, Virginia (collectively, "Canon") on January 23, 2012. *77 Fed. Reg.* 11586 (Feb. 27, 2012). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the sale for importation, importation, or sale after importation of certain toner cartridges and components thereof that infringe one or more of claims 128-130, 132, 133 and 139-143 of U.S. Patent No. 5,903,803 ("the '803 patent") and claims 24-30 of U.S. Patent No. 6,128,454 ("the '454 patent"). The notice of investigation named thirty-four respondents.

On August 30, 2012, the ALJ issued an initial determination finding the following sixteen respondents in default: Shanghai Orink Infotech International Co., Ltd. of Shanghai, China; Orink Infotech International Co., Ltd. of Hong Kong, China; Zhuhai Rich Imaging Technology Co., Ltd. of Guangdong, China; Standard Image Co., Ltd. (a/k/a Shanghai Orink Co., Ltd.) of Shanghai, China; Zhuhai National Resources & Jingjie Imaging Products Co., Ltd. (d/b/a Huebon Co., Ltd., d/b/a Ink-Tank) of Guangdong, China; Standard Image USA, Inc. (d/b/a

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Imaging Standard Inc.) of Santa Ana, California; Printronic Corporation (d/b/a Printronic.com, d/b/a InkSmile.com) of Santa Ana, California; Nukote, Inc. of Plano, Texas; Acecom, Inc. – San Antonio (d/b/a InkSell.com) of San Antonio, Texas; Do It Wiser LLC (d/b/a Image Toner) of Marietta, Georgia; E-Max Group, Inc. (d/b/a Databazaar.com) of Miramar, Florida; IJSS Inc. (d/b/a TonerZone.com, d/b/a InkJetSuperstore.com) of Los Angeles, California; Imaging Resources LLC of Chatsworth, California; Ink Technologies Printer Supplies, LLC of Dayton, Ohio; SupplyBuy.com, Inc. of Nashville, Tennessee; and Zinyaw LLC (d/b/a TonerPirate.com) of Houston, Texas. Order No. 14 (nonreviewed October 2, 2012).

On October 10, 2012, the ALJ issued an ID granting Canon's unopposed motion to withdraw the complaint as to respondent, Nukote Internacional de Mexico, S.A. de C.V. of Neuva Leon, Mexico and thereby to terminate this respondent from the investigation. Order No. 17 (nonreviewed Nov. 14, 2012).

The remaining respondents were terminated from the investigation on the basis of consent orders: Clover Holdings, Inc.; Clover Technologies Group LLC; Clover Vietnam Co., Ltd.; Dataproducts USA, LLC; Dataproducts Imaging Solutions S.A. de C.V.; CAU Acquisition Co., LLC (d/b/a Cartridges Are Us); Atman, Inc. (d/b/a pcRUSH.com); Dexxon Digital Storage, Inc.; Discount Office Items, Inc. and Deal Express LLC (d/b/a Discount Office Items); Green Project, Inc.; GreenLine Paper Co., Inc.; Myriad Greeyn LLC; Office World Inc. and OfficeWorld.com, Inc.; OnlineTechStores.com, Inc. (d/b/a SuppliesOutlet.com); and Virtual Imaging Products, Inc. Order No. 8 (nonreviewed July 16, 2012); Order No. 12 (nonreviewed Aug. 10, 2012); Order No. 18 (nonreviewed Nov. 14, 2012); Order No. 19 (nonreviewed Nov. 14, 2012); Order No. 20 (nonreviewed Nov. 14, 2012); Order No. 22 (nonreviewed Dec. 13, 2012).

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Accordingly, the only parties remaining active in this investigation are Canon and the Commission investigative attorney (“IA”).

On September 21, 2012, Canon filed a motion for summary determination that it satisfies the economic prong of the domestic industry requirement. On October 4, 2012, the IA submitted a response supporting the motion. On February 26, 2013, the ALJ issued an ID granting the motion. Order No. 24 (nonreviewed Mar. 25, 2013).

On November 16, 2012, Canon filed a motion for summary determination of violation with respect to the defaulting respondents. On February 28, 2013, the ALJ issued his final initial determination on violation and recommendation on remedy (“ID/RD”) (Order No. 25) granting the motion. Specifically, the ALJ recommended issuance of a general exclusion order (“GEO”), issuance of cease and desist orders (“CDOs”) against the eleven defaulting domestic respondents,¹ and the imposition of a bond of 100 percent of entered value during the period of Presidential review.

On April 17, 2013, the Commission issued notice of its determination not to review the ID granting summary determination of violation, and to solicit submissions on remedy, the public interest, and bonding. 78 *Fed. Reg.* 23,955-56 (Apr. 23, 2013). On May 1, 2013, Canon submitted an initial brief on remedy, the public interest, and bonding, requesting that the Commission issue a GEO and CDOs to all defaulting respondents and set a bond of 100 percent

¹ The eleven defaulting domestic respondents are: Standard Image USA, Inc. (d/b/a Imaging Standard Inc.); Printronic Corporation (d/b/a Printronic.com, d/b/a InkSmile.com); Nukote, Inc.; Do It Wiser LLC (d/b/a Image Toner); E-Max Group, Inc. (d/b/a Databazaar.com); IJSS Inc. (d/b/a TonerZone.com and InkJetSuperstore.com); Imaging Resources LLC; Ink Technologies Printer Supplies, LLC; SupplyBuy.com, Inc.; Zinyaw LLC (d/b/a TonerPirate.com); and Acecom, Inc. – San Antonio (d/b/a InkSell.com). Order No. 14 (Aug. 30, 2012) (nonreviewed Oct. 2, 2012).

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during the period of Presidential review. Canon's brief included a proposed GEO and proposed CDOs. That same day, the IA submitted an initial brief on remedy, the public interest, and bonding, supporting Canon's request for a GEO and CDOs against the eleven defaulting domestic respondents, but not the five defaulting foreign respondents,² as well as a bond of 100 percent. The IA's brief also included a proposed GEO and proposed CDOs. Also on May 1, 2013, non-party Fuji Electric Co., Ltd. ("Fuji") filed written comments and non-parties Seine Image Int'l Co., Ltd., Zhuhai Seine Technology Co., Ltd., Ninestar Technology Co., Ltd., Ninestar Image Co., Ltd., Ninestar Image Int'l Ltd., Ninestar Technology Co., Ltd., Ninestar Tech. Co., Ltd., Ninestar Management Co., Ltd., Ziprint Image Corp., Nano Pacific Corp. and Town Sky Inc. (collectively "Seine") jointly filed written comments in response to the Commission's April 17, 2013 Notice. On May 8, 2013, Canon and the IA submitted their respective replies to the initial written submissions on remedy, the public interest, and bonding. Non-party Aster Graphics Co., Ltd. also submitted a reply to Canon's brief on May 8, 2013.

II. REMEDY

The Commission determines that the appropriate remedy in this investigation is a GEO and CDOs directed to all defaulting respondents. The GEO prohibits the entry of certain toner cartridges and components thereof (namely, photosensitive drums) that infringe one or more of claims 128-130, 132, 133 and 139-143 of the '803 patent or claims 24-30 of the '454 patent. The CDOs order the defaulting respondents to cease and desist from importing, selling, marketing,

² The five defaulting foreign respondents are: Shanghai Orink Infotech International Co., Ltd.; Orink Infotech International Co., Ltd.; Zhuhai Rich Imaging Technology Co., Ltd.; Standard Image Co., Ltd. (a/k/a Shanghai Orink Co., Ltd.); and Zhuhai National Resources & Jingjie Imaging Products Co., Ltd. (d/b/a Huebon Co., Limited, d/b/a Ink-Tank). Order No. 14 (Aug. 30, 2012) (nonreviewed Oct. 2, 2012).

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advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe the asserted patent claims. The Commission finds that the public interest factors set out in section 337(d)(1) and (f)(1) do not preclude issuance of the remedial orders. The Commission sets the bond during the period of Presidential review at 100 percent of the entered value of the infringing products.

A. General Exclusion Order

The Commission is authorized to issue a limited exclusion order (“LEO”) excluding the goods of the person(s) found in violation, or, if certain criteria are met, the Commission may issue a GEO excluding all infringing goods regardless of the source. 19 U.S.C. § 1337 (d)(2), (g)(2)³. When some respondents appear to contest the investigation, but other respondents do not appear before electing to default, the proper legal framework under which the Commission is authorized to issue a GEO is section 337(d)(2), which provides as follows:

The authority of the Commission to order an exclusion from entry of articles shall be limited to persons determined by the Commission to be violating this section unless the Commission determines that—

³ 19 U.S.C. § 1337(g)(2) provides:

In addition to the authority of the Commission to issue a general exclusion from entry of articles when a respondent appears to contest an investigation concerning a violation of the provisions of this section, a general exclusion from entry of articles, regardless of the source or importer of the articles, may be issued if--

(A) no person appears to contest an investigation concerning a violation of the provisions of this section,

(B) such a violation is established by substantial, reliable, and probative evidence, and

(C) the requirements of subsection (d)(2) of this section are met.

19 U.S.C. § 1337(g)(2). The Commission has determined that a GEO issued under section 337(g)(2) is appropriate only when no respondents appear to contest the investigation. *See* 19 U.S.C. § 1337(g)(2); *Certain Plastic Molding Machines With Control Systems Having Programmable Operator Interfaces Incorporating General Purpose Computers, and Components Thereof II*, 337-TA-462, Comm’n Op. at 5-7 (Apr. 2, 2003).

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(A) a general exclusion from entry of articles is necessary to prevent circumvention of an exclusion order limited to products of named persons; or

(B) there is a pattern of violation of this section and it is difficult to identify the source of infringing products.

19 U.S.C. § 1337(d)(2); *Certain Sildenafil or Any Pharmaceutically Acceptable Salt Thereof, such as Sildenafil Citrate, and Products Containing Same*, Inv. No. 337-TA-489, Comm'n Op. at 4 (July 26, 2004) (finding that the issuance of a GEO under section 337(d)(2) was appropriate when not all respondents failed to appear to contest the investigation); *see also Certain Energy Drink Products*, Inv. No. 337-TA-678, Comm'n Op. at 4-7 (Sept. 8, 2010) ("*Energy Drink Products*"); *Certain Toner Cartridges and Components Thereof*, Inv. No. 337-TA-740, Comm'n Op. at 24 (Oct. 5, 2011) ("*Toner Cartridges*").

The Federal Circuit has emphasized that a party must meet the "heightened requirements of 1337(d)(2)(A) or (B)" before the Commission has authority to issue a general exclusion order against products of non-respondents. *Kyocera Wireless Corp. v. Int'l Trade Comm'n*, 545 F.3d 1340, 1358 (Fed. Cir. 2008). While the factors set forth in *Certain Airless Paint Spray Pumps and Components Thereof*, Inv. No. 337-TA-90, USITC Pub. No. 1199, Comm'n Op. at 18-19 (Nov. 24, 1981) guided the GEO analysis for some time, the Commission "now focus[es] principally on the statutory language itself." *Certain Ground Fault Circuit Interrupters and Products Containing Same*, Inv. No. 337-TA-615, Comm'n Op. at 25 (Mar. 27, 2009).

As the ALJ found in his RD, the factual requirements for the issuance of a GEO under section 337(d)(2)(A) and (B) have been met. 19 U.S.C. § 1337(d)(2). With respect to prong (A) "prevent[ing] circumvention" of an LEO, the evidence shows that the defaulting respondents customarily engage in various business practices that would necessitate a GEO. ID/RD at 119. Specifically, the evidence shows that the defaulting respondents typically do business under

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multiple names, and create an array of subsidiaries and changing corporate profiles, activities which make it difficult to enforce intellectual property rights against them. *See id.* (citing Puglisi Decl. ¶27). Moreover, the evidence shows that an LEO could be circumvented because Canon-compatible toner cartridges are often labeled under other brand names or packaged in unmarked, generic packaging, making it easier for an unauthorized importer to evade U.S. Customs and Border Protection (“CBP”). *Id.* at 120-21 (citing Boeshore Decl. Ex. 9 ¶ 3), 121 n.37 (citing *e.g.*, Sturges Decl. Ex. A, App. I-22 fig. 2A (Acecom), App. I-50 fig. 2A (Databazaar), App. I-16 fig. 2A (IJSS), App. I-134 fig. 2A (Printronic), App. I-10 fig. 2A (Zinyaw)); *see also* Sturges Decl. Ex. A, App. I-9 (InkTech), App. I-11 (SupplyBuy), App. I-19 (Imaging Resources). Another practice that indicates an LEO could be circumvented is that after goods pass through CBP, separately applied stickers are affixed to packaging, which may conceal the identity of the actual manufacturer. *Id.* at 121 (citing Puglisi Decl. at ¶33), 121 n.38 (citing *e.g.*, Sturges Decl. Ex. A, App. I-18 fig. 2A (Virtual Imaging Products), App. I-16 fig. 2A (IJSS), App. I-134 fig. 2A (Printronic), App. II-12 fig. 2A (Zinyaw)). These facts indicate that a general exclusion order is necessary to prevent circumvention of an LEO.

Canon has also met its burden of showing that issuance of a GEO is warranted under prong (B) because the evidence shows a widespread pattern of infringement by respondents and non-respondents and it is difficult to identify the source of infringing products. *Id.* at 121-23 (citing *e.g.*, J. Stip. of Compls. & Clover Resps. Re Importation (June 29, 2012); Falsone Decl.); *see also* Amended Compl. at ¶¶ 67-72. Canon asserts that the market for unauthorized toner cartridges is very lucrative, with a multitude of existing sources of infringing products, and a low barrier to entry for future participants. Canon Sub. 28-29. As the ALJ noted, this is not the first

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investigation relating to toner cartridges, *see e.g., Certain Toner Cartridges and Components Thereof*, Inv. No. 337-TA-731 (complaint filed by Canon asserting the same two patents), and *Toner Cartridges*, Inv. No. 337-TA-740. In this investigation, the ALJ also noted that Canon has identified a wide array of entities (respondents and non-respondents) that manufacture, sell and import infringing toner cartridges. ID/RD at 122 (citing Sturges Decl. Ex. A, ¶¶ 36, 39; Falsone Decl. ¶¶ 193-196, 199-202, 210-13, 215-18, 220-23, Exs. 31-35); *id.* (citing Boeshore Decl. Exs. 2-3, 58). Furthermore, the ALJ found that products are packaged in unmarked, generic packaging, including the use of private label services, making it difficult to identify the sources of infringing goods. *Id.* at 123-24 (citing Puglisi Decl. at ¶34, Ex. 15; *see* Boeshore Decl. Ex. 15 at 124:23-125:3). We agree with the ALJ's findings with respect to prong (B).

While a GEO may issue on satisfaction of either prong of section 337(d)(2), the Commission finds both are satisfied here, and it has determined to issue a GEO prohibiting unauthorized importation of the articles at issue in this investigation regardless of manufacturer or importer.

B. Cease and Desist Orders

The Commission may also issue a CDO directed to entities found to violate section 337, ordering them to cease and desist from engaging in the unfair methods or acts involved. 19 U.S.C. § 1337(f)(1), (g)(1). The Commission has issued such orders to persons or corporations that have a "commercially significant" domestic inventory of subject articles that have already been imported, in order to prevent distribution of violating articles in the United States. *See, e.g., Certain Integrated Repeaters*, Inv. No. 337-TA-435, Comm'n Op. at 27 (Aug. 16, 2002).

The ALJ recommended that the Commission issue CDOs against the defaulting domestic respondents (and their affiliates to the extent they are engaging in prohibited conduct for, with,

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or otherwise on behalf of, a defaulting domestic respondent), but not against the defaulting foreign respondents. ID/RD at 125 n.42, 126. As noted by the ALJ, the Commission may infer that defaulting domestic respondents maintain commercially significant domestic inventories of infringing articles. See 19 C.F.R. § 210.16(c)(1); *Certain Video Game Systems, Accessories, and Components Thereof*, Inv. No. 337-TA-473, Comm'n Op. at 2 (Dec. 24, 2002) (“*Video Game Systems*”); *Certain Agricultural Tractors, Lawn Tractors, Riding Lawnmowers, and Components Thereof*, Inv. No. 337-TA-486, Comm'n Op. at 18 (Aug. 19, 2003) (“The Commission has inferred that a defaulting *domestic* respondent maintains commercially significant inventory in the United States.”). Consistent with Commission practice, the Commission has determined to issue CDOs against the defaulting domestic respondents. *Supra* at 3 n.1.

The Commission has also issued CDOs against foreign respondents in certain circumstances.⁴ See, e.g., *Certain Abrasive Products Made Using a Process for Making Powder Preforms and Products Containing Same*, Inv. No. 337-TA-449, Comm'n Op., 2002 WL 31093610, at *4 (May 9, 2002) (directing a CDO to a foreign respondent where the foreign respondent's agent maintained a commercially significant inventory of infringing product in the United States). Most recently, the Commission explained that it is authorized to issue a CDO to a defaulting foreign respondent “where the complaint alleges facts showing that a defaulting foreign respondent either maintains domestic inventories of subject products or engages in extensive domestic activities with respect to the subject products[.]” *Certain Digital Photo*

⁴ Although the RD notes that the Commission has previously issued CDOs against foreign respondents, the ALJ does not explain why CDOs against the foreign defaulting respondents are not appropriate in this investigation. ID/RD at 125-26 (citing *Toner Cartridges*, Comm'n Op. at 7-8 (issuing GEO); *Certain Abrasive Products Made Using a Process for Powder Preforms, and Products Containing Same*, Inv. No. 337-TA-449, Comm'n Op., 2002 WL 31093610, at *4 (May 9, 2002)).

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Frames and Image Display Devices and Components Thereof, Inv. No. 337-TA-807, Comm'n Op. at 9 (Mar. 27, 2013) (“*Digital Photo Frames*”). For example, the Commission has previously issued CDOs directed against foreign defaulting respondents where complainant alleged internet sales and submitted evidence of sales to U.S. customers and CBP's detainment of shipments to U.S. customers. *Id.* (citing *Toner Cartridges*, Comm'n Op. at 7-8; *Certain Birthing Simulators and Associated Systems*, Inv. No. 337-TA-759, Comm'n Notice (Aug. 29, 2011); *Certain Automotive Vehicles and Designs Therefor*, Inv. No. 337-TA-722, Comm'n Notice (Mar. 10, 2011)).

The Commission finds that Canon has established facts showing that the five defaulting foreign respondents maintain domestic inventories of the accused products in conjunction with at least two of the defaulting domestic respondents and that the defaulting foreign respondents have engaged in extensive domestic activities involving the accused products as set forth in Canon's Amended Complaint. Amended Compl. at ¶¶ 21-28, 102, 103, 139-152 & exhibits cited therein. Significantly, Canon alleges that the defaulting foreign respondents, along with defaulting domestic respondents, Standard Image USA and Printronic, are all related companies, under common ownership and control, and part of a common enterprise known as the “Orink Group” or simply “Orink.” *Id.* at ¶¶ 21, 102, 103. Canon's Amended Complaint alleges that the defaulting foreign respondents import accused products into the United States, both directly and through other Orink entities. *Id.* at ¶¶ 139-152 & exhibits cited therein. Canon also alleges that the defaulting foreign respondents maintain commercially significant inventories of accused products in the United States together with their affiliated U.S. branch and wholesaler, Standard Image USA, and affiliated U.S. retailer, Printronic, by, for example, shipping accused products

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to shared facilities. *See id.* at ¶¶ 21-28, 139, 140, 141, Ex. 62, 142. Canon further alleges that the defaulting foreign respondents sell and offer for sale accused products to U.S. consumers via online retailers and the domestic respondents' Internet websites, *e.g.*, *www.orink.com*. *See id.* at ¶¶ 22-28, 143, Exs. 49, 80, 81, 144-152. For instance, Canon asserts that on November 1, 2011 and November 23, 2011, it purchased Orink toner cartridges from Printronic, which arrived in boxes marked "LH2612A" and "LHCB436." *Id.* at ¶ 143, Exs. 49, 80, 81; *see also id.* at ¶ 142, Ex. 165 (Orink Shanghai likewise uses model designations that include the letters "LH"). Canon alleges that these purchased cartridges were manufactured in China by the defaulting foreign respondents and thereafter imported into the United States for sale via the domestic respondents' Internet websites. *See id.* (*see* Exs. 80 and 81 (photographs of "Made in China" on the boxes)). Taking all of these allegations as true, the Commission has determined to issue CDOs against the defaulting foreign respondents. *See Digital Photo Frames*, Comm'n Op. at 8-11.

III. PUBLIC INTEREST

When issuing remedies upon a finding of a violation of section 337, the Commission must consider the effect of its remedial orders on public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers. 19 U.S.C. §1337(d)(1), (f)(1). The public interest analysis does not concern whether there is a public interest in issuing a remedial order, but whether issuance of such an order will adversely affect the public interest. *Certain Agricultural Vehicles and Components Thereof*, Inv. No. 337-TA-487, Comm'n Op. at 17 (Sept. 27, 2004).

Both Canon and the IA assert that there is no evidence that remedial orders in this

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investigation would be unduly burdensome on the public health and welfare, competitive conditions in the United States, or on U.S. consumers. Canon Sub. at 41-42, IA Sub. at 22. Canon further argues that continued infringement would harm Canon's intellectual property rights, and that the public interest favors protection of valid intellectual property rights. Canon Sub. at 42. Canon asserts that it has the capacity to replace the volume of accused products that would be subject to Canon's requested remedial orders in a commercially reasonable time in the United States. *See id.* at 43.

We agree with Canon and the IA that issuing remedial orders in this investigation would not harm the public interest. There is no evidence that domestic demand for Canon-compatible toner cartridges cannot be met by Canon and its legitimate competitors, *i.e.*, manufacturers and retailers of toner cartridges that do not infringe the patent claims at issue. Moreover, there is no indication in the record that the remedial orders would have an adverse effect on the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers. 19 U.S.C. §1337(d)(1), (f)(1). Thus, the record does not support a finding that issuance of a GEO or CDOs is precluded by consideration of the public interest factors set out in section 337(d)(1) and (f)(1).

IV. BONDING

During the 60-day Presidential review period, imported articles otherwise subject to a remedial order are entitled to conditional entry under bond, pursuant to section 337(j)(3). The amount of the bond is specified by the Commission and must be an amount "sufficient to protect the complainant from any injury." 19 U.S.C. § 1337(j)(3); 19 C.F.R. § 210.50. The Commission often considers the differential in sales price between the patented product made by the domestic

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industry and the price of the infringing imported product in establishing the bond amount. *See, e.g., Certain Microsphere Adhesives, Processes for Making Same, and Products Containing Same, Including Self-Stick Repositionable Notes*, Inv. No. 337-TA-366, Comm'n Op. at 24 (Dec. 15, 1995). Where there is neither information on the price of the subject merchandise nor information which would allow one to determine a reasonable royalty, the Commission has set the bond at 100% of the entered value of the imported infringing products. *Energy Drink Products*, Comm'n Op. at 9; *Digital Photo Frames*, Comm'n Op. at 17-18.

In this investigation, the ALJ found that reliable price information is not available because Canon was unable to obtain adequate discovery due to default of the named respondents. ID/RD at 127. In addition, the ALJ noted that the price information that Canon has been able to obtain indicates that there is a wide variation in pricing among the defaulting respondents, ranging from 25 percent to 75 percent of the Hewlett Packard OEM price.⁵ *Id.* (citing Falsone Decl. Exs. 2-3, 6-7, 13-14, 16, and 20). Accordingly, the ALJ concluded that a bond of 100 percent of entered value would be appropriate under these circumstances. *Id.*

We find that a 100 percent bond is appropriate in this case given the significant differences in the various price differentials between respondents. Where it is difficult or impossible to calculate a bond based upon price differentials, and particularly where the respondents fail to provide discovery, the Commission has set the bond at 100 percent of the entered value of the infringing imported product. *See, e.g., Video Game Systems* at 5; *Certain Oscillating Sprinklers, Sprinkler Components, and Nozzles*, Inv. No. 337-TA-448, Limited Exclusion Order at 4-6, USITC Pub. No. 3498 (Mar. 1, 2002) (setting bond at 100% of entered

⁵ Canon asserts that it sells some of the OEM toner cartridges that it manufactures to Hewlett-Packard Company, which resells the Canon-made cartridges under the "HP" brand name.

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value for products of defaulting respondent).

V. CONCLUSION

For the reasons stated above, the Commission has determined that the appropriate remedy in this investigation is a GEO prohibiting the entry of certain toner cartridges and components thereof that infringe one or more of claims 128-130, 132, 133 and 139-143 of the '803 patent or claims 24-30 of the '454 patent. The Commission has also determined to issue CDOs against all defaulting respondents, ordering them to cease and desist from importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe the asserted patent claims. Moreover, the Commission has determined to set the bond during the period of Presidential review in the amount of 100 percent of the entered value of the infringing products.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive.

Lisa R. Barton
Acting Secretary to the Commission

Issued: July 29, 2013

**CERTAIN TONER CARTRIDGES AND COMPONENTS
THEREOF**

337-TA-829

CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **COMMISSION OPINION** has been served by hand upon the Commission Investigative Attorney, Lisa Murray, Esq., and the following parties as indicated, on **July 29, 2013**.



Lisa R. Barton, Acting Secretary
U.S. International Trade Commission
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Washington, DC 20436

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**On Behalf of Respondents Clover Holdings, Inc; Clover Technologies Group, LLC;
Clover Vietnam Co., Ltd.; Dataproducts USA, LLC; Dataproducts Imaging
Solutions S.A. de C.V.; and CAU Acquisition Company, LLC; Dexxon Digital
Storage, Inc.; Discount Office Items, Inc.; Deal Express LLC; GreenLine Paper
Company, Inc.; Myriad Greeyn LLC, Office World, Inc.; and OfficeWorld.com,
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**On Behalf of Respondents Green Project, Inc. and Acecom, Inc. - San Antonio d/b/a
Inksell.com:**

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 Other: _____

On Behalf of Respondent OnlineTechStores.com, Inc.:

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- Via Hand Delivery
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