

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

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1106

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING-IN-PART COMPLAINANTS' MOTION FOR
SUMMARY DETERMINATION AS TO THE ECONOMIC PRONG OF THE
DOMESTIC INDUSTRY REQUIREMENT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 31) of the presiding administrative law judge (“ALJ”) granting-in-part Complainants’ motion for summary determination as to the economic prong of the domestic industry requirement.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-4716. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on March 29, 2018, based on a complaint filed by Canon Inc. of Japan; Canon U.S.A. Inc. of Melville, New York; and Canon Virginia, Inc. of Newport News, Virginia (collectively, “Complainants” or “Canon”). *See* 83 FR 13516-17 (Mar. 29, 2018). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337) (“section 337”), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain toner cartridges and components thereof by reason of infringement of U.S. Patent No. 9,746,826; U.S. Patent No. 9,836,021; U.S. Patent No. 9,841,727; U.S. Patent No. 9,841,728; U.S. Patent No. 9,841,729; U.S. Patent No. 9,857,764; U.S. Patent No. 9,857,765; U.S. Patent No. 9,869,960; and U.S. Patent No. 9,874,846. *See id.* The notice of investigation identifies 49 respondents, only 12 of which are presently active in the

investigation, namely: Ninestar Corporation; Ninestar Image Tech Limited; Ninestar Technology Company, Ltd.; Static Control Components, Inc.; Aster Graphics, Inc.; Jiangxi Yibo E-tech Co., Ltd.; Aster Graphics Company Ltd.; Print-Rite N.A., Inc.; Union Technology Int'l (M.C.O.) Co. Ltd.; Print-Rite Unicorn Image Products Co. Ltd.; LD Products, Inc.; and The Supplies Guys, Inc. (collectively, “the Active Respondents”). *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to this investigation. *See id.*

On August 16, 2018, Complainants filed an unopposed motion for summary determination as to the economic prong of the domestic industry requirement (*Motion*). On August 27, 2018, OUII filed a response in support of the *Motion*. On October 26, 2018, the ALJ issued the subject ID (Order No. 31) granting-in-part Complainants’ *Motion*. Specifically, the ID finds that Complainants satisfy the economic prong of the domestic industry requirement under subsections (A) and (B) of section 337(a)(3) but not under subsection (C). *See ID at 5-7.* In particular, the ID finds that Complainants “identif[y] . . . expenditures related to engineering for the domestic industry products” but “do[] not present evidence . . . that these expenditures satisfy the additional requirement of subprong (C), which requires that the investments constitute an exploitation of the asserted patents.” *See id.* at 6-7 (citing *Certain Integrated Circuit Chips and Products Containing the Same*, Inv. No. 337-TA-859, Comm’n Op. at 48 (Aug. 22, 2014)).

No petition for review of the subject ID was filed. The Commission has determined not to review the subject ID.

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

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: November 27, 2018