

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN TONER SUPPLY
CONTAINERS AND COMPONENTS
THEREOF (I)**

Investigation No. 337-TA-1259

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO
THREE RESPONDENTS BASED ON CONSENT ORDERS; ISSUANCE OF CONSENT
ORDERS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 10) of the presiding administrative law judge (“ALJ”) granting a joint motion to terminate the following three respondents in the above-captioned investigation based on consent orders: General Plastic Industrial Co., Ltd. (“GPI”) of Taichung, Taiwan; Katun Corporation (“Katun”) of Minneapolis, Minnesota; and Sun Data Supply, Inc. (“Sun Data Supply”) of Los Angeles, California. GPI, Katun, and Sun Data Supply are terminated from the investigation. The Commission has issued consent orders to GPI and Katun, and to Sun Data Supply.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3228. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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: On April 13, 2021, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), 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”). See 86 FR 19284-86. The complaint, as supplemented, alleges a violation of section 337 based

upon the importation into the United States, sale for importation, or sale after importation into the United States of certain toner supply containers and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 10,209,667 (“the ’667 patent”); 10,289,060 (“the ’060 patent”); 10,289,061 (“the ’061 patent”); 10,295,957 (“the ’957 patent”); 10,488,814 (“the ’814 patent”); 10,496,032 (“the ’032 patent”); 10,496,033 (“the ’033 patent”); 10,514,654 (“the ’654 patent”); 10,520,881 (“the ’881 patent”); 10,520,882 (“the ’882 patent”); 8,565,649; 9,354,551; and 9,753,402. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation names twenty-six respondents, including GPI, Katun, and Sun Data Supply. *Id.* At institution, the Commission severed the investigation into two investigations. The present investigation was instituted to determine whether there is a violation of section 337 in the importation, sale for importation, or sale within the United States after importation of toner supply containers and components thereof by reason of infringement of claims 1, 3, 6-8, and 11 of the ’667 patent; claims 1, 2, and 6-8 of the ’060 patent; claims 1-3, 6-8, and 11 of the ’061 patent; claims 1, 2, 4, 7-9 and 12 of the ’957 patent; claims 1, 4, 7-9, and 12 of the ’814 patent; claims 1, 4, 7-9, 12, 50, 53, 56-58, and 61 of the ’032 patent; claims 1, 5, 8-10, 13, 14, 18, 21-23, and 26 of the ’033 patent; claims 1, 3-5, 46, and 48-50 of the ’654 patent; claims 1, 5, 8-10, and 13 of the ’881 patent; and claims 1 and 6-8 of the ’882 patent. *Id.* The Office of Unfair Import Investigations is also a party to the investigation. *Id.*

The complaint and NOI were later amended to correct the name of originally-identified respondent, Do It Wiser, LLC d/b/a Image Toner, to Do It Wiser, Inc. d/b/a Image Toner. Order No. 5 (May 13, 2021), *unreviewed by* 86 FR 29292-93 (June 1, 2021).

On June 22, 2021, Complainants and respondents GPI, Katun, and Sun Data Supply (“the Consent Order Respondents”) filed a joint motion to terminate this investigation with respect to the Consent Order Respondents based on consent order stipulations and proposed consent orders. On June 29, 2021, Complainants and the Consent Order Respondents filed a supplement to the motion. On July 1, 2021, OUII filed a response in support of the joint motion.

On July 1, 2021, the ALJ issued the subject ID. *See* Order No. 10 (July 1, 2021). The subject ID finds that the joint motion, consent order stipulations, and proposed consent orders satisfy the requirements of Commission Rule 210.21, paragraphs (c)(3) and (c)(4) (19 CFR 210.21(c)(3), (c)(4)). The ID also finds that termination of the Consent Order Respondents would not be contrary to the public interest.

No party petitioned for review of the subject ID.

The Commission has determined not to review the subject ID. GPI, Katun, and Sun Data Supply are hereby terminated from the investigation. The Commission has issued consent orders to GPI and Katun, jointly, and to Sun Data Supply.

The Commission vote for this determination took place on July 19, 2021.

While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise

provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the complainant complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', enclosed within a large, loopy circular flourish.

Lisa R. Barton
Secretary to the Commission

Issued: July 19, 2021