

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 FINDING FIFTEEN RESPONDENTS IN DEFAULT**

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. 18) of the presiding administrative law judge (“ALJ”) finding fifteen respondents in default.

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 Tokyo, Japan; Canon U.S.A., Inc. of Melville, New York; and Canon Virginia, Inc. of Newport News, Virginia (collectively, “Complainants”). See 86 Fed. Reg. 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 (“NOI”) names twenty-six respondents, including Sichuan XingDian Technology Co., Ltd. (“Sichuan XingDian”) of Sichuan, China; Sichuan Wiztoner Technology Co., Ltd. (“Sichuan Wiztoner”) of Sichuan, China; Copier Repair Specialists, Inc. (“Copier Repair Specialists”) of Lewisville, Texas; Digital Marketing Corporation d/b/a Digital Buyer Marketing Company (“Digital Buyer”) of Los Angeles, California; Ink Technologies Printer Supplies, LLC (“Ink Tech”) of Dayton, Ohio; Kuhlmann Enterprises, Inc. d/b/a Precision Roller (“Precision Roller”) of Phoenix, Arizona; NAR Cartridges of Burlingame, California; Zhuhai Henyun Image Co., Ltd. (“Zhuhai Henyun”) of Zhuhai, China; Zinyaw LLC d/b/a TonerPirate.com and Supply District (“Zinyaw”) of Houston, Texas; Do It Wiser, Inc. d/b/a Image Toner (“Do It Wiser”) of Wilmington, Delaware; MITOCOLOR INC. (“MITOCOLOR”) of Rowland Heights, California; Anhuiyatengshangmaoyouxiangongsi (“Yatengshang”) of Ganyuqu, China; ChengDuXiangChangNanShiYouSheBeiYouXianGongSi (“ChengDuXiang”) of SiChuanSheng, China; Hefeierlandianzishangwuyouxiangongsi (“Erlandianzishang”) of Chengdushi, China; and Xianshi yanliangqu canqiubaihuodianshanghang (“CJ-us”) of Shanxisheng, China (collectively, “Defaulting Respondents”). *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 (“OUII”) is also a party to the investigation. *Id.*

The complaint and NOI were served on the Defaulting Respondents. The Defaulting Respondents did not respond to the complaint or NOI.

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 Fed. Reg. 29292-93 (June 1, 2021).

Respondents Ninestar Corporation and Ninestar Image Tech Limited of Guangdong, China, Ninestar Technology Company, Ltd. of Chino, California, Static Control Components, Inc. of Sanford, North Carolina, Easy Group, LLC of Irwindale, California, LD Products, Inc. of Long Beach, California, and The Supplies Guys, Inc. of Lancaster, Pennsylvania were previously found in default. Order No. 7 (June 22, 2021), *unreviewed by* Notice (July 6, 2021).

Respondents General Plastic Industrial Co. Ltd. of Taichung, Taiwan, Katun Corporation of Minneapolis, Minnesota, and Sun Data Supply, Inc. of Los Angeles, California were previously terminated from the investigation pursuant to consent order stipulations. Order No. 10 (July 1, 2021), *unreviewed by* Notice (July 19, 2021).

Respondent Shenzhenshi Keluodeng Kejiyouxiangognsi of Guangdong, China was previously terminated from the investigation based on partial withdrawal of the complaint. Order No. 13, *unreviewed by* Notice (Aug. 25, 2021).

The investigation was partially terminated as to the following claims: claims 3, 6, 7, 8, and 11 of the '667 patent; claims 2, 6, 7, and 8 of the '060 patent; claims 2, 3, 6, 7, 8, and 11 of the '061 patent; claims 2, 4, 7, 8, 9, and 12 of the '957 patent; claims 4, 7, 8, and 9 of the '814 patent; claims 1, 4, 7, 8, 9, 12, 53, 56, and 57 of the '032 patent; claims 5, 8, 9, 10, 14, 18, 21, 22, 23, and 26 of the '033 patent; claims 1, 3, 4, 5, 48, and 49 of the '654 patent; claims 5, 8, and 9 of the '881 patent; and claims 6 and 7 of the '882 patent. Order No. 11, *unreviewed by* Notice (Aug. 25, 2021).

On July 15, 2021, Complainants filed a motion pursuant to Commission Rule 210.16 (19 CFR 210.16) for an order directing the Defaulting Respondents to show cause as to why they should not be found in default for failing to respond to the complaint and NOI. On July 26, 2021, OUII filed a response in support of the motion. No other responses to the motion were filed.

On August 13, 2021, the ALJ issued Order No. 12 pursuant to Commission Rule 210.16 (19 CFR 210.16) directing the Defaulting Respondents to show cause as to why they should not be found in default and why judgment should not be rendered against them for failing to respond to the complaint. Order No. 12 (Aug. 13, 2021). None of the Defaulting Respondents responded to Order No. 12.

On September 27, 2021, Complainants and OUII filed a joint motion seeking entry of an initial determination finding the fifteen Defaulting Respondents in default. No responses to the motion were filed.

On September 28, 2021, the ALJ issued the subject ID (Order No. 18) finding the Defaulting Respondents in default pursuant to Commission Rule 210.16 (19 CFR 210.16) for failure to respond to the complaint, NOI, and order to show cause. *See* ID at 1-2. No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID.

Respondents Sichuan XingDian, Sichuan Wiztoner, Copier Repair Specialists, Digital Buyer, Ink Tech, Precision Roller, NAR Cartridges, Zhuhai Henyun, Zinyaw, Do It Wisser, MITOCOLOR, Yatengshang, ChengDuXiang, Erlandianzishang, and CJ-us are found in default.

The Commission vote for this determination took place on October 27, 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 in a circular flourish.

Lisa R. Barton
Secretary to the Commission

Issued: October 27, 2021