

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

**In the Matter of**

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

**Investigation No. 337-TA-1260**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW INITIAL  
DETERMINATIONS TERMINATING THE INVESTIGATION AS TO CERTAIN  
CLAIMS AND RESPONDENT SHENZHENSHI KELUODENG  
KEJIYOUXIANGOGNSI BASED ON WITHDRAWAL OF THE COMPLAINT**

**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 two initial determinations (“IDs”) (Order Nos. 10 and 12) of the presiding administrative law judge (“ALJ”) terminating the investigation as to (1) certain asserted patent claims (Order No. 10) and (2) respondent Shenzhenshi Keluodeng Kejiyouxiangognsi (Order No. 12) based on withdrawal of the relevant allegations in the complaint.

**FOR FURTHER INFORMATION CONTACT:** Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3179. 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](mailto: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, telephone (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** On April 13, 2021, the Commission instituted this investigation 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, “Canon”). 86 FR 19287-88 (Apr. 13, 2021). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain toner supply containers and components thereof by reason of infringement of certain claims of thirteen patents: U.S. Patent Nos. 10,209,667; 10,289,060; 10,289,061;

10,295,957; 10,488,814; 10,496,032; 10,496,033; 10,514,654; 10,520,881; 10,520,882; 8,565,649 (“the ’649 patent”); 9,354,551 (“the ’551 patent”); and 9,753,402 (“the ’402 patent”). *Id.* at 19287. The complaint further alleges that a domestic industry exists. *Id.*

The Commission instituted two separate investigations and defined the scope of the present investigation as whether there is a violation of section 337 based on the allegations of infringement as to the asserted claims of the ’649, ’551, and ’402 patents as to the accused products identified in the notice of investigation. *Id.* The notice of investigation named eleven respondents: Sichuan XingDian Technology Co., Ltd. of Sichuan, China; Sichuan Wiztomer Technology Co., Ltd. of Sichuan, China; Anhuiyatengshangmaoyouxiangongsi of Ganyuqu, China; ChengDuXiangChangNanShiYouSheBeiYouXianGongSi of SiChuanSheng, China; Digital Marketing Corporation d/b/a Digital Buyer Marketing Company of Los Angeles, California; Do It Wiser, LLC d/b/a Image Toner (“Do It Wiser”) of Wilmington, Delaware; Hefeierlandianzishangwuyouxiangongsi of Chengdushi, China; Shenzhenshi Keluodeng Kejiyouxiangognsi of Guangdong, China (“KenoGen”); MITOCOLOR INC. of Rowland Heights, California; Xianshi yanliangqu canqiubaihuodianshanghang of Shanxisheng, China; and Zhuhai Henyun Image Co., Ltd. of Zhuhai, China. *Id.* The Office of Unfair Import Investigations (“OUII”) is also named as a party. *Id.* at 19287-88. The question of whether there is a violation of section 337 based on the allegations of infringement as to the asserted claims of the remaining patents is the subject of the severed investigation based on the same complaint, Inv. No. 337-TA-1259. *See* 86 FR 19284-86 (Apr. 13, 2021).

On May 27, 2021, the Commission determined to amend the complaint and notice of investigation to change the identification of respondent Do It Wiser from “Do It Wiser, LLC d/b/a Image Toner” to “Do It Wiser, Inc. d/b/a Image Toner” and to make related changes in paragraph 31 of the complaint. Order No. 6 (May 17, 2021), *unreviewed by* 86 FR 29806-07 (June 3, 2021).

On July 15, 2021, Canon filed a motion for partial termination of the investigation based on withdrawal of the allegations in the complaint directed to KenoGen. On July 26, 2021, OUII filed a response in support of the motion. No other responses were filed.

On August 4, 2021, Canon filed a motion for partial termination of the investigation based on withdrawal of the allegations in the complaint as to the following asserted patent claims: claim 2 of the ’649 patent; claims 2, 3, 6, and 7 of the ’551 patent; and claims 25-27, 39-41, and 46 of the ’402 patent. On August 11, 2021, OUII filed a response in support of the motion. No other responses were filed.

On August 12, 2021, the ALJ issued the first subject ID (Order No. 10) granting Canon’s motion of August 4, 2021. And on August 13, 2021, the ALJ issued the second subject ID (Order No. 12) granting Canon’s motion of July 15, 2021. Both subject IDs find that the underlying motion complies with the requirements of Commission Rule 210.21(a)(1) (19 CFR 210.21(a)(1)) and that “there are no extraordinary circumstances that warrant denying the

motion.” Order No. 10 at 2; Order No. 12 at 2. No petitions for review of the subject IDs were filed.

The Commission has determined not to review the subject IDs. The investigation is terminated as to the following claims: claim 2 of the '649 patent; claims 2, 3, 6, and 7 of the '551 patent; and claims 25-27, 39-41, and 46 of the '402 patent. The investigation is also terminated as to respondent KenoGen.

The Commission vote for this determination took place on September 7, 2021.

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', written in a cursive style.

Lisa R. Barton  
Secretary to the Commission

Issued: September 7, 2021