

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

In the Matter of

**CERTAIN INK CARTRIDGES AND
COMPONENTS THEREOF II**

Investigation No. 337-TA-1452

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW IN PART AN
INITIAL DETERMINATION GRANTING COMPLAINANTS' MOTION FOR SUMMARY
DETERMINATION OF VIOLATION; REQUEST FOR WRITTEN SUBMISSIONS ON THE
ISSUES UNDER REVIEW AND ON REMEDY, THE PUBLIC INTEREST, AND BONDING**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part an initial determination ("ID") (Order No. 16) issued by the presiding administrative law judge ("ALJ") granting Complainants' motion for summary determination of violation, and to request written submissions from the parties on the issues under review and from the parties, interested government agencies, and interested persons, on remedy, the public interest, and bonding, under the schedule set forth below.

FOR FURTHER INFORMATION CONTACT: Namo Kim, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3459. 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 June 17, 2025, 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 Epson America, Inc. of Los Alamitos, California; Epson Portland, Inc. of Hillsboro, Oregon; and Seiko Epson Corporation of Nagano, Japan (collectively "Epson"). 90 FR 25644-45 (June 17, 2025). The complaint, as supplemented, alleged violations of 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 ink cartridges and components thereof by reason of the infringement of certain claims of U.S. Patent Nos. 8,764,172 ("the '172 patent"); 9,370,934 ("the '934 patent"); 11,535,038 ("the '038 patent"); 12,240,248 ("the '248 patent"); and 12,240,249 ("the '249 patent"). *Id.* The complaint, as supplemented, further alleged that a domestic industry ("DI") exists in the United States. *Id.*

The Commission’s notice of investigation named the following entities as respondents: Shenzhen Hongxinyuan E-Commerce Co., Ltd. d/b/a Jianjai (“Shenzhen Hongxinyuan”) of Shenzhen, China; Shangrao Shixuan E-Commerce Co., Ltd. d/b/a Inkgo (“Shangrao Shixuan”) of Shangrao, China; Shen Zhen Sailing Technology Limited d/b/a Triple-Color (“Shen Zhen Sailing”) of Shenzhen, China; Qiong Wang d/b/a 7-Magic (“Qiong Wang”) of Leizhou City, China; Dongguan Ocbestjet Digital Technology Co., Ltd. d/b/a Ocbestjet (“Ocbestjet Dongguan”) of Dongguan City, China; Ocbestjet Printer Consumables (HK) Co., Ltd. d/b/a Ocbestjet (“Ocbestjet HK”) of Hong Kong, China; Shenzhen Kaizhen Technology Co., Ltd. d/b/a PayForLess (“Kaizhen”) of Shenzhen, China; ZhuHai MeiJiAn Trading Co., Ltd. d/b/a HaloFox (“ZhuHai MeiJiAn”) of Zhuhai, China; Zhuhai Shuofeng E-commerce Co., Ltd. d/b/a super-ink-club (“Shuofeng”) of Zhuhai, China; Tatrix International China Co., Ltd. (“Tatrix”) of Guangdong, China; Luozhi Trading Co., Ltd. (“Luozhi”) of Guanzhou, China; Zhuhai Zhenyang Electronics Co., Ltd. (“Zhenyang”) of Zhuhai, China; Zhuhai Hengyunda Electronics Co., Ltd. (“Hengyunda”) of Zhuhai, China; Zhuhai Rongtaida Electronics Co., Ltd. (“Rongtaida”) of Zhuhai, China; Zhuhai Shi Wei Tai Electronics Co., Ltd. (“Shi Wei Tai”) of Zhuhai, China; Zhuhai Yixing Electronics Co., Ltd. (“Yixing”) of Zhuhai, China; Zhuhai Bowang Technology Co., Ltd. (“Bowang”) of Zhuhai, China; Mei Jin Technology HK Co., Ltd. (“Mei Jin”) of Hong Kong, China; Mountain Peak, Inc. (“Mountain Peak”) of Industry, CA; and Straightouttaintk, LP (“Straightouttaintk”) of San Jose, CA. The Office of Unfair Import Investigations (“OUII”) was also named as a party in this investigation. *Id.*

The Commission previously found respondents Tatrix, Luozhi, Zhenyang, Hengyunda, Rongtaida, Shi Wei Tai, Yixing, Bowang, Mei Jin, Mountain Peak, and Straightouttaintk in default. *See* Order No. 8 (Sept. 15, 2025), *unreviewed by* Comm’n Notice (Nov. 17, 2025). The Commission also previously found respondents Ocbestjet Dongguan, Ocbestjet HK, Kaizhen, ZhuHai MeiJiAn, and Shuofeng in default. *See* Order No. 10 (Dec. 3, 2025), *unreviewed by* Comm’n Notice (Dec. 22, 2025).

On January 8, 2026, the Commission terminated the following respondents from the investigation: Shenzhen Hongxinyuan, Shangrao Shixuan, Shen Zhen Sailing, and Qiong Wang. *See* Order No. 11 (Dec. 11, 2025), *unreviewed by* Comm’n Notice (Jan. 8, 2026).

On January 20, 2026, the Commission terminated the investigation as to claims 2, 3, 8, and 10 of the ’172 patent; claims 8 and 10 of the ’934 patent; claims 12, 17, 19-20, and 24 of the ’038 patent; claims 13, 15, and 20-21 of the ’248 patent; and claims 2, 8, 13-15, and 20-22 of the ’249 patent. Order No. 12 (Dec. 18, 2025), *unreviewed by* Comm’n Notice (Jan. 20, 2026).

On February 26, 2026, Epson filed a motion for summary determination on violation of section 337 by all sixteen remaining respondents previously found in default in the investigation—Tatrix, Luozhi, Zhenyang, Hengyunda, Rongtaida, Shi Wei Tai, Yixing, Mei Jin, Bowang, Mountain Peak, Straightouttaintk, Ocbestjet Dongguan, Ocbestjet HK, Kaizhen, ZhuHai MeiJiAn, and Zhuhai Shuofeng—and requested issuance of a GEO and CDOs against Mountain Peak and Straightouttaintk, and a bonding of 100 percent.

On March 9, 2026, OUII filed a response generally supporting the motion, but indicated an evidentiary error pertaining to infringement.

On March 11, 2026, Epson filed corrected exhibits addressing the evidentiary error OUII identified. On March 13, 2026, OUII filed for leave to amend its response based on Epson’s corrections on March 11, 2026. The ALJ granted OUII’s motion for good cause shown.

On March 24, the ALJ issued the subject ID (Order No. 16) granting Epson's motion for summary determination of violation of section 337. The ID also includes a Recommended Determination recommending that the Commission issue a GEO for the asserted claims, issue CDOs against respondents Mountain Peak and Straightouttink, and set a bond of 100 percent of the entered value of the infringing articles imported during the period of Presidential review.

No petitions for review of the subject ID were filed.

Having reviewed the record of the investigation, the Commission has determined to review the subject ID in part with respect to the economic prong of the DI requirement. The Commission has determined not to review the remainder of the ID.

In connection with its review, the Commission requests that the parties brief their positions on the following questions with citations to the existing evidentiary record:

1. Please explain whether Epson has submitted into evidence any foreign manufacturing or labor investments related to its ink cartridge business and whether Epson provided any DI economic prong analysis that considers such foreign investments.
2. Please explain the nature of the "Insurance" expenses presented in the summary of Epson's DI investments, and the basis for including such expenses in the DI economic prong analysis under section 337(a)(3)(A).
3. Where are each of the domestic industry products manufactured? What activities related to the domestic industry products take place outside the United States (please identify which activities correspond to which domestic industry product)?
4. Does the record permit an assessment of the significance of Epson's domestic industry investments/expenses that takes into account all non-U.S. activities, including manufacturing, related to the domestic industry products? Examples of such an assessment include a comparison of domestic with foreign investments; a value-added analysis; or a comparison of domestic investments to non-U.S. cost of goods sold for the domestic industry products.
5. Please address the ID's findings at pages 49-51 and whether the ID properly analyzes the significance of the asserted DI investments. In doing so, please explain the comparison of DI investments in plant and equipment and labor to "total COGS and G&A" referred to on pages 98-99 of Epson's motion for summary determination, including what comprises "total COGS and G&A." Do you agree with the ID at pages 49-50 that this comparison is a value-add analysis and that line items "Materials" and "Other" referred to on page 49 of the ID are properly treated as foreign expenses as suggested by the ID?
6. Please provide a holistic analysis of the facts of record pursuant to *Wuhan Healthgen Biotechnology Corp. v. ITC*, 127 F.4th 1334 (Fed. Cir. 2025) regarding (1) whether Epson's investments in plant and equipment with respect to the domestic industry articles protected by each asserted patent are significant under subsection 337(a)(3)(A); and (2) whether Epson's employment of labor or capital with respect to the domestic industry articles protected by each asserted patent is significant under subsection

337(a)(3)(B). Please include in your discussion, all relevant indicia of significance consistent with judicial and Commission precedents regarding the domestic industry requirement of section 337(a)(3)(A) and (B).

The parties are invited to brief only the discrete issues requested above. The parties are not to brief other issues on review, which are adequately presented in the parties' existing filings.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia*, (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843, Comm'n Op. at 7-10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and cease and desist orders would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

WRITTEN SUBMISSIONS: The parties to the investigation are requested to file written submissions on the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. In the initial submission, Complainants are also requested to identify the remedy sought and submit proposed remedial orders for the Commission's consideration. Complainants are further requested to state the date that the asserted patents expire, to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. The initial written submissions and proposed remedial orders must be filed no later than close of business on **May 22, 2026**. Reply submissions must be filed no later than the close of business on **May 29, 2026**. Opening submissions from the parties are limited to **50** pages. Reply submissions from the parties are limited to **25** pages. All submissions from third parties and/or interested government agencies are limited to **10** pages. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (“Inv. No. 337-TA-1452”) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary, (202) 205-2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed with the Commission and served on any parties to the investigation within two business days of any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on May 8, 2026.

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: May 8, 2026