

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

**In the Matter of**

**CERTAIN INKJET INK SUPPLIES AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-730**

**NOTICE OF COMMISSION FINAL DETERMINATION OF VIOLATION OF  
SECTION 337; TERMINATION OF INVESTIGATION;  
ISSUANCE OF GENERAL EXCLUSION ORDER**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 in the above-captioned investigation and has issued a general exclusion order. The investigation is terminated.

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3106. 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, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://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 August 3, 2010, based on a complaint filed by Hewlett-Packard Company of Palo Alto, California and Hewlett-Packard Development Company, L.P. of Houston, Texas (collectively, "HP") alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain inkjet ink supplies and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 6,959,985 and 7,104,630. 75 *Fed. Reg.* 45663 (Aug. 3, 2010).

Complainant named Mipo International, Ltd. of Atlanta, Georgia ("Mipo"); Mextec Group Inc. of Miami, Florida ("Mextec"); Shanghai Angel Printer Supplies Co., Ltd. of Shanghai, China ("Shanghai Angel"); Shenzhen Print Media Co., Ltd. of Guangdong, China ("Shenzhen"); Zhuhai National Resources & Jingjie Imaging Products Co., Ltd. of Guangdong, China ("Zhuhai National"); Tatrix International of Guangdong, China ("Tatrix"); and Ourway Image Co. Ltd. of Guangdong, China ("Ourway") as respondents. Subsequently, Mipo, Mextec, and Shenzhen

were terminated from the investigation based on either a settlement agreement with HP or because HP withdrew its allegations against them. The remaining respondents, *i.e.*, Shanghai Angel, Zhuhai National, Tatrix, and Ourway (collectively, "Defaulting Respondents"), failed to answer the Complaint and Notice of Investigation and default judgments were granted against all the Defaulting Respondents.

On March 7, 2011, complainant HP filed a paper entitled "Motion for Summary Determination That a Domestic Industry Exists and That There Have Been Violations of Section 337 of the Tariff Act of 1930 (Amended) By the Defaulting Respondents and Complainants' Request for a General Exclusion Order." Complainant sought a determination that a domestic industry exists and that there has been a violation of Section 337 and requested a recommendation for a general exclusion order ("GEO"). On August 3, 2011, the ALJ issued an initial determination ("ID") (Order No. 14) granting complainant's motion for summary determination. The ID contained the ALJ's recommended determination on remedy and bonding including a recommendation for issuance of a GEO against the Defaulting Respondents. The ALJ also recommended that the Commission set a bond of 100 percent during the period of Presidential review.

On September 1, 2011, the Commission determined not to review the ID and requested briefing on remedy, the public interest, and bonding. Only HP and the Commission investigative attorney timely filed their respective submissions, containing proposed GEOs.

The Commission has determined that the appropriate form of relief is a GEO under 19 U.S.C. § 1337(d)(2), prohibiting the unlicensed entry of inkjet cartridges and components thereof covered by one or more of claims 1-5, 7, 22-25, 27 and 28 of the '985 patent and claims 1-7, 11-12, 14, 26-30, 32, 34 and 35 of the '630 patent.

The Commission has further determined that the public interest factors enumerated in Section 337(d) (19 U.S.C. § 1337(d)) do not preclude issuance of the GEO. The Commission has determined that the bond for temporary importation during the period of Presidential review (19 U.S.C. § 1337(j)) shall be in the amount of 100 percent of the value of the imported articles that are subject to the order. The Commission's order was delivered to the President and the United States Trade Representative on the day of its issuance.

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 sections 210.42-50 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.42-50).

By order of the Commission.



James R. Holbein  
Secretary to the Commission

Issued: November 29, 2011

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

**In the Matter of**

**CERTAIN INKJET INK SUPPLIES AND  
COMPONENTS THEREOF**

**Inv. No. 337-TA-730**

**GENERAL EXCLUSION ORDER**

The Commission has determined that there is a violation of Section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the unlawful importation and sale of certain inkjet ink cartridges and components thereof that infringe claims 1-5, 7, 22-25, 27 and 28 of U.S. Patent No. 6,959,985 (the '985 patent) and claims 1-7, 11-12, 14, 26-30, 32, 34 and 35 of U.S. Patent No. 7,104,630 ("the '630 patent").

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determinations on the issues of remedy, the public interest, and bonding. The Commission has determined that a general exclusion from entry for consumption is necessary to prevent circumvention of an exclusion order limited to products of named persons and that there is a pattern of violation of section 337 and it is difficult to identify the source of infringing products. *See* 19 U.S.C. § 1337(d)(2). Accordingly, the Commission has determined to issue a general exclusion order prohibiting the unlicensed importation of inkjet ink cartridges and components thereof.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(d)(1) do not preclude issuance of the general exclusion order, and that there shall be a 100 percent bond during the period of Presidential review.

Accordingly, the Commission hereby **ORDERS** that:

1. Inkjet ink cartridges and components thereof covered by one or more of claims 1-5, 7, 22-25, 27 and 28 of the '985 patent and claims 1-7, 11-12, 14, 26-30, 32, 34 and 35 of the '630 patent are excluded from entry into the United States for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, for the remaining terms of the patents, except under license of the patent owner or as provided by law.

2. Notwithstanding paragraph 1 of this Order, the aforesaid inkjet ink cartridges and components thereof are entitled to entry into the United States for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, under bond in the amount of 100 percent of the entered value of the products pursuant to subsection (j) of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(j), and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 *Fed. Reg.* 43251), from the day after this Order is received by the United States Trade Representative and until such time as the United States Trade Representative notifies the Commission that this Order is approved or disapproved but, in any event, not later than sixty (60) days after the date of receipt of this Order.

3. At the discretion of U.S. Customs and Border Protection (“CBP”) and pursuant to procedures it establishes, persons seeking to import inkjet ink cartridges and components thereof that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraph 1 of this Order. At its discretion, CBP may require persons who have provided the certification described in this paragraph to furnish such records or analyses as are necessary to substantiate the certification.

4. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to inkjet ink cartridges and components thereof that are imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

5. The Commission may modify this Order in accordance with the procedures described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

6. The Commission Secretary shall serve copies of this Order upon each party of record in this investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and U.S. Customs and Border Protection.

7. Notice of this Order shall be published in the *Federal Register*.

By order of the Commission.

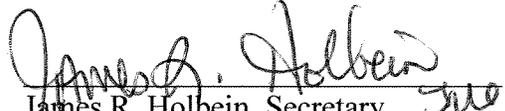
A handwritten signature in black ink, appearing to read "J. R. Holbein". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

James R. Holbein  
Secretary to the Commission

Issued: November 29, 2011

**PUBLIC CERTIFICATE OF SERVICE**

I, James R. Holbein, hereby certify that the attached **NOTICE** has been served by hand upon, the Commission Investigative Attorney, Mareesa A. Frederick, Esq., and the following parties as indicated on **November 29, 2011**.

  
James R. Holbein, Secretary  
U.S. International Trade Commission  
500 E Street, SW, Room 112  
Washington, DC 20436

**On Behalf of Complainants Hewlett-Packard Company and Hewlett-Packard Development Company LP:**

Ahmed J. Davis, Esq. ( ) Via Hand Delivery  
**FISH & RICHARDSON P.C.** ( ) Via Overnight Delivery  
1425 K Street, NW, 11<sup>th</sup> Floor (  ) Via First Class Mail  
Washington, DC 20005 ( ) Other: \_\_\_\_\_

**Respondents:**

Shanghai Angel Printer Supplies Co. Ltd. ( ) Via Hand Delivery  
Room 1208, No. 495 ( ) Via Overnight Delivery  
Jiangning Road (  ) Via First Class Mail  
Shanghai, China 200233 ( ) Other: \_\_\_\_\_

Zhuhai National Resources & Jingjie Imaging Products Co., Ltd. ( ) Via Hand Delivery  
No. 1 Industrial Building, Pingdong 2 Road ( ) Via Overnight Delivery  
Nanping S&T Industrial Community (  ) Via First Class Mail  
Zhuhai, Guangdong, China 519060 ( ) Other: \_\_\_\_\_

Tatrix International ( ) Via Hand Delivery  
10 C, Garden Building ( ) Via Overnight Delivery  
No. 1083 JiuZhou Road, Jida (  ) Via First Class Mail  
Zhuhai, Guangdong, China 519015 ( ) Other: \_\_\_\_\_

Ourway Image Co., Ltd. ( ) Via Hand Delivery  
15F, No. 125 Renmin East Road ( ) Via Overnight Delivery  
Xiangzhong (  ) Via First Class Mail  
Zhuhai, Guangdong, China 33156 ( ) Other: \_\_\_\_\_