

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

**In the Matter of**

**CERTAIN TONER CARTRIDGES,  
COMPONENTS THEREOF, AND  
SYSTEMS CONTAINING THE SAME**

**Investigation No. 337-TA-1174**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN  
INITIAL DETERMINATION TERMINATING THE INVESTIGATION WITH  
RESPECT TO A RESPONDENT BASED ON THE ENTRY OF A CONSENT  
ORDER; ISSUANCE OF CONSENT ORDER**

**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. 36) issued by the presiding administrative law judge (“ALJ”) granting a motion to terminate the investigation with respect to respondent Cartridge Evolution, Inc., based on the entry of a stipulated consent order. The Commission has determined to issue a consent order.

**FOR FURTHER INFORMATION CONTACT:** Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone (202) 708-5468. 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 (<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:** The Commission instituted this investigation on September 23, 2019, based on a complaint filed by Brother Industries, Ltd., of Nagoya, Japan; Brother International Corporation (U.S.A.) of Bridgewater, New Jersey; and Brother Industries (U.S.A.), Inc., of Bartlett, Tennessee (together, “Brother”). 84 FR 49762-63. The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain toner cartridges, components thereof, and systems containing same by reason of infringement of certain claims of U.S. Patent Nos. 9,568,856; 9,575,460; 9,632,456; 9,785,093; and 9,846,387. *Id.* The Commission’s notice of investigation named 32

respondents, including Cartridge Evolution, Inc. of Brooklyn, New York (“Cartridge Evolution”). *Id.* at 49763. The Office of Unfair Import Investigations (“OUII”) is participating in this investigation. *Id.*

On March 4, 2020, Brother and Cartridge Evolution filed a joint motion to terminate the investigation with respect to Cartridge Evolution based on the entry of a consent order. The parties attached a consent order stipulation and proposed consent order to the motion. On March 10, 2020, OUII filed a response in support of the motion.

On March 12, 2020, the ALJ issued the subject ID, granting the motion and terminating the investigation with respect to Cartridge Evolution based on the entry of a consent order. The ALJ found that the consent order stipulation and proposed consent order complied with Commission Rule 210.21(c)(3) and (4) (19 CFR 210.21(c)(3) and (4)). No petitions for review of the ID were received.

The Commission has determined not to review the subject ID, and has determined to issue a consent order.

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: March 31, 2020