

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-740

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION FINDING CERTAIN 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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 23) finding certain respondents in default.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. 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 October 12, 2010, based on a complaint filed by Lexmark International, Inc. of Lexington, Kentucky ("Lexmark"). 75 *Fed. Reg.* 62564-65 (Oct. 12, 2010). The complaint 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 and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 5,337,032; 5,634,169; 5,758,233; 5,768,661; 5,802,432; 5,875,378; 6,009,291; 6,078,771; 6,397,015; 6,459,876; 6,816,692; 6,871,031; 7,139,510; 7,233,760; and 7,305,204. The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named various respondents, including E-Toner Mart,

Inc. of South El Monte, California; Alpha Image Tech. of South El Monte, California; Virtual Imaging Products Inc. of Canada; Jahwa Electronics Co., Ltd of Chungchongbuk-do, South Korea; Copy Technologies, Inc. of Atlanta, Georgia; Laser Toner Technology, Inc. of Atlanta, Georgia; C&R Services, Incorporated or Corinth, Texas; and Union Technology Int'l of Rodrigo Rodrigues, Macao (collectively "Defaulting Respondents").

On February 16, 2011, Lexmark filed a motion pursuant to Commission Rule 210.16 (19 C.F.R. § 210.16) to find the Defaulting Respondents in default. On March 2, 2011, the Commission investigative attorney filed a response supporting the motion.

On March 8, 2011, the ALJ issued the subject ID under Commission Rule 210.16, granting Lexmark's motion to find the Defaulting Respondents in default. In the subject ID, the ALJ noted that none of the Defaulting Respondents filed a response to the Complaint and Notice of investigation or responded to the show cause order (Order No. 10) issued on December 14, 2010. The Complaint and Notice of Investigation were served on the Defaulting Respondents on October 6, 2010 via overnight mail. No petitions for review of the ID were filed.

The Commission has determined not to review the ID.

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

By order of the Commission.

/s/
James R. Holbein
Acting Secretary to the Commission

Issued: March 23, 2011