

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Inv. No. 337-TA-829

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION CONCERNING THE ECONOMIC PRONG OF THE DOMESTIC
INDUSTRY REQUIREMENT**

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 ID (Order No. 24) of the administrative law judge (“ALJ”) granting summary determination of satisfaction of the economic prong of the domestic industry requirement.

FOR FURTHER INFORMATION CONTACT: James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3065. 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 (<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: This investigation was instituted on February 27, 2012, based upon a complaint filed on behalf of Canon, Inc. of Tokyo, Japan; Canon U.S.A., Inc. of Lake Success, New York; and Canon Virginia, Inc. of Newport News, Virginia (collectively, “Canon”) on January 23, 2012. *77 Fed. Reg.* 11586 (Feb. 27, 2012). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) by reason of infringement of one or more of claims 128-130, 132, 133 and 139-143 of U.S. Patent Nos. 5,903,803 and claims 24-30 U.S. Patent No. 6,128,454. The notice of investigation named numerous respondents.

On September 21, 2012, Canon filed a motion for summary determination that it satisfies the economic prong of the domestic industry requirement for the asserted patents. Specifically, Canon argued that it has a domestic industry based on investment in plant and equipment, employment of labor and capital, and investment in the exploitation of the asserted patents,

including engineering and quality assurance. On October 4, 2012, the Commission investigative attorney filed a response in support of the motion.

On February 26, 2013, the ALJ issued the subject ID, granting the motion. No petitions for review were filed.

Having considered the ID and the relevant portions of the record, the Commission has determined not to review the ID based on the substantial, reliable, and probative evidence of satisfaction of the economic prong of the domestic industry requirement.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and of section 210.42(h) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42(h)).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a large, stylized flourish at the end.

Lisa R. Barton
Acting Secretary to the Commission

Issued: March 27, 2013