

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

In the Matter of

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

Investigation No. 337-TA-1174

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION FINDING THREE 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 an initial determination (“ID”) (Order No. 26) issued by the presiding administrative law judge (“ALJ”) finding Ecoolmart Co. of Rowland Heights, California (“Ecoolmart”); Greencycle Tech, Inc. of South El Monte, California (“Greencycle”); and Intercon International Corp. of Brea, California (“Intercon”) (together, the “Non-Participating Respondents”) in default.

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 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, SW., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://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 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 (“NOI”) named 32 respondents, including the Non-Participating Respondents. *Id.* at 49763. The Office of Unfair Import Investigations (“OUII”) is participating in this investigation. *Id.*

The Commission was unable to serve Ecoolmart and Intercon with the complaint and NOI. On October 8, 2019, Brother sought leave to personally serve Ecoolmart and Intercon. On October 30, 2019, Brother filed a noticed that it personally served the complaint and NOI on Ecoolmart on October 22, 2019, and on Intercon on October 30, 2019. Neither entity responded to the complaint and NOI.

Greencycle was served with the complaint and NOI on September 17, 2019, and responded to the complaint and NOI on October 21, 2019. On November 12, 2019, Greencycle’s counsel withdrew from representing Greencycle. Greencycle failed to respond to discovery requests and did not attend the initial case management conference.

On November 22, 2019, Brother moved for an order to show cause why Ecoolmart and Intercon should not be found in default for failing to respond to the complaint and NOI, and why Greencycle should not be found in default for failing to respond to discovery requests. On December 2, 2019, OUII filed a response supporting the issuance of the show cause order against the Non-Participating Respondents.

On December 3, 2019, the ALJ ordered the Non-Participating Respondents to show cause why they should not be held in default. Order No. 20 (Dec. 3, 2019). No responses to the order were received.

On December 18, 2019, Brother moved for an entry of default against the Non-Participating Respondents. No responses to the motion were received.

On December 20, 2019, the ALJ issued the subject ID pursuant to 19 CFR 210.16, finding the Non-Participating Respondents in default. No petitions for review of the ID were received.

The Commission has determined not to review the subject 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 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: January 16, 2020