

Issued: May 27, 2021.

**Lisa Barton,**

*Secretary to the Commission.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-521 and 731-TA-1252-1255 and 1257 (Review)]

### Steel Nails From Korea, Malaysia, Oman, Taiwan, and Vietnam

#### Determinations

On the basis of the record<sup>1</sup> developed in the subject five-year reviews, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the countervailing duty order on steel nails from Vietnam and the antidumping duty orders on steel nails from Korea, Malaysia, Oman, Taiwan, and Vietnam would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

#### Background

The Commission instituted these reviews on June 1, 2020 (85 FR 33195) and determined on September 4, 2020 that it would conduct expedited reviews (86 FR 26545, May 14, 2021).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on May 28, 2021. The views of the Commission are contained in USITC Publication 5200 (May 2021), entitled *Steel Nails from Korea, Malaysia, Oman, Taiwan, and Vietnam: Investigation Nos. 701-TA-521 and 731-TA-1252-1255 and 1257 (Review)*.

By order of the Commission.

Issued: May 28, 2021.

**Lisa Barton,**

*Secretary to the Commission.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1260]

### Certain Toner Supply Containers and Components Thereof (II); Commission Determination Not To Review an Initial Determination Granting Complainants’ Unopposed Motion To Amend the Complaint and Notice of Investigation

**AGENCY:** 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. 6) of the presiding administrative law judge (“ALJ”) granting complainants’ unopposed motion to amend the complaint and notice of investigation in the above-captioned investigation to correct the identification of a respondent.

**FOR FURTHER INFORMATION CONTACT:** Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-3179. 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 at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** On April 13, 2021, the Commission instituted this investigation based on a complaint filed by Canon Inc. of Tokyo, Japan; Canon U.S.A., Inc. of Melville, New York; and Canon Virginia, Inc. of Newport News, Virginia (collectively, “Canon”). 86 FR 19287-88 (Apr. 13, 2021). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain toner supply containers and components thereof by reason of infringement of certain claims of thirteen patents: U.S. Patent Nos. 10,209,667; 10,289,060; 10,289,061; 10,295,957; 10,488,814; 10,496,032; 10,496,033; 10,514,654; 10,520,881; 10,520,882; 8,565,649 (“the ’649

patent”); 9,354,551 (“the ’551 patent”); and 9,753,402 (“the ’402 patent”). *Id.* at 19287. The complaint further alleges that a domestic industry exists. *Id.* The Commission instituted two separate investigations and defined the scope of the present investigation as whether there is a violation of section 337 based on the allegations of infringement as to the asserted claims of the ’649, ’551, and ’402 patents as to the accused products identified in the notice of investigation. *Id.* The notice of investigation named eleven respondents: Sichuan XingDian Technology Co., Ltd. of Sichuan, China; Sichuan Wiztoner Technology Co., Ltd. of Sichuan, China; Anhuiyatengshangmaoyouxiangongsi of Ganyuqu, China; ChengDuXiangChang NanShiYouSheBeiYouXianGongSi of SiChuanSheng, China; Digital Marketing Corporation d/b/a Digital Buyer Marketing Company of Los Angeles, California; Do It Wiser, LLC d/b/a Image Toner (“Do It Wiser”) of Wilmington, Delaware; Hefeierlandianzishangwuyouxiangongsi of Chengdushi, China; Shenzhenshi Keluodeng Kejiyouxiangongsi of Guangdong, China; MITOCOLOR INC. of Rowland Heights, California; Xianshi yanliangqu canqubaihuodianshanghang of Shanxisheng, China; and Zhuhai Henyun Image Co., Ltd. of Zhuhai, China. *Id.* The Office of Unfair Import Investigations is also named as a party. *Id.* at 19287-88. The question of whether there is a violation of section 337 based on the allegations of infringement as to the asserted claims of the remaining patents is the subject of the severed investigation based on the same complaint, Inv. No. 337-TA-1259. *See* 86 FR 19284-86 (Apr. 13, 2021).

On April 27, 2021, Canon filed a motion to amend the complaint and notice of investigation to change the identification of respondent Do It Wiser from “Do It Wiser, LLC d/b/a Image Toner” to “Do It Wiser, Inc. d/b/a Image Toner” and to make related changes in paragraph 31 of the complaint. The motion states that (i) OUII does not oppose the motion and (ii) Do It Wiser’s counsel in a parallel district court lawsuit informed Canon that Do It Wiser “will not be participating in this investigation and does not oppose this motion.” Mot. at 1. No responses to the motion were filed.

On May 17, 2021, the ALJ issued the subject ID granting the motion. The ID finds that, in accordance with Commission Rule 210.14(b) (19 CFR 210.14(b)), “Canon has shown good cause to amend the complaint and notice of investigation to correct the identification of the respondent identified in the original complaint as

<sup>1</sup> The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).