UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of	
CERTAIN TONER SUPPLY CONTAINERS AND COMPONENTS THEREOF (II)	**Investigation No. 337-TA-1260**

NOTICE OF A COMMISSION DECISION TO EXTEND TARGET DATE

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined to extend the target date in the above-captioned investigation to July 20, 2022.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3228. 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*. 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) ("section 337"), 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 based on the complaint 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 (collectively, the "Asserted Patents") as to the accused products identified in the notice of

investigation ("NOI"). *Id*. The NOI named eleven respondents: (1) Sichuan XingDian Technology Co., Ltd. ("Sichuan XingDian") of Sichuan, China; (2) Sichuan Wiztoner Technology Co., Ltd. ("Sichuan Wiztoner") of Sichuan, China; (3) Anhuiyatengshangmaoyouxiangongsi ("Yatengshang") of Ganyuqu, China; (4) ChengDuXiangChangNanShiYouSheBeiYouXianGongSi ("ChengDuXiang") of SiChuanSheng, China; (5) Digital Marketing Corporation d/b/a Digital Buyer Marketing Company ("Digital Buyer") of Los Angeles, California; (6) Do It Wiser, LLC d/b/a Image Toner of Wilmington, Delaware; (7) Hefeierlandianzishangwuyouxiangongsi ("Erlandianzishang") of Chengdushi, China; (8) MITOCOLOR INC. ("TopInk") of Rowland Heights, California; (9) Xianshi yanliangqu canqiubaihuodianshanghang of Shanxisheng, China; (10) Zhuhai Henyun Image Co., Ltd. of Zhuhai, China (collectively, the "Defaulting Respondents"); and (11) Shenzhenshi Keluodeng Kejiyouxiangognsi ("KenoGen") of Guangdong, China. *Id*. The Office of Unfair Import Investigations ("OUII") 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 May 27, 2021, the Commission granted Canon's motion to amend the complaint and NOI to change the identification of Do It Wiser, LLC d/b/a Image Toner to Do It Wiser, Inc. d/b/a Image Toner (hereinafter, "Do It Wiser") and to make related changes in paragraph 31 of the complaint. Order No. 6 (May 17, 2021), *unreviewed by* 86 FR 29806-07 (June 3, 2021).

On September 7, 2021, the Commission terminated the following asserted claims from the investigation based on Canon's withdrawal of the complaint as to those claims: (i) claim 2 of the '649 patent; (ii) claims 2, 3, 6, and 7 of the '551 patent; and (iii) claims 25-27, 39-41, and 46 of the '402 patent. Order No. 10 (Aug. 12, 2021), *unreviewed by* Comm'n Notice (Sept. 7, 2021).

Also on September 7, 2021, the Commission terminated respondent KenoGen from the investigation based on Canon's withdrawal of the complaint as to KenoGen. Order No. 12 (Aug. 13, 2021), *unreviewed by* Comm'n Notice (Sept. 7, 2021). As a result, the ten Defaulting Respondents are the only respondents remaining in this investigation.

On October 29, 2021, the Commission found the Defaulting Respondents in default for failing to respond to the complaint and NOI and failing to show cause why they should not be found in default. Order No. 15 (Sept. 29, 2021), *unreviewed by* Comm'n Notice (Oct. 29, 2021).

On October 1, 2021, Canon filed a motion seeking summary determination that the Defaulting Respondents have violated section 337 and requesting that the chief administrative law judge ("CALJ") recommend that the Commission issue a general exclusion order ("GEO"), issue cease and desist orders ("CDOs") against certain respondents, and set a 100 percent bond for any importations of infringing goods during the period of Presidential review. On October 25, 2021, OUII filed a response supporting Canon's motion and requested remedial relief. No Defaulting Respondent filed a response to Canon's motion.

On February 11, 2022, the CALJ issued an initial determination ("ID") granting Canon's motion and finding violations of section 337 by the Defaulting Respondents. The ID also included the CALJ's recommended determination on remedy and bonding, which recommended that the Commission: (i) issue a GEO; (ii) issue CDOs against eight respondents (*i.e.*, Digital Buyer, Do It Wiser, TopInk, Sichuan XingDian, Sichuan Wiztoner, Yatengshang, ChengDuXiang, and Erlandianzishang); and (iii) set a 100 percent bond for any importations of infringing products during the period of Presidential review.

The Commission did not receive any submissions on the public interest from the parties pursuant to Commission Rule 210.50(a)(4) (19 CFR 210.50(a)(4)). The Commission also did not receive any submissions on the public interest from members of the public in response to the Commission's *Federal Register* notice. 87 FR 9379-80 (Feb. 18, 2022).

On March 30, 2022, the Commission determined to review the FID in part with respect to the FID's analysis of the economic prong of the domestic industry requirement. 87 FR 19707-09 (Apr. 5, 2022).

On April 13, 2022, Canon filed its initial written response on remedy, the public interest, and bonding. OUII filed an initial written response that same day. On April 20, 2022, Canon filed its reply written submission. OUII filed its reply written submission that same day.

The Commission has determined to extend the target date for completing this investigation until July 20, 2022.

The Commission vote for this determination took place on June 13, 2022.

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: June 13, 2022