

**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 TO REVIEW INITIAL  
DETERMINATIONS FINDING CERTAIN RESPONDENTS IN DEFAULT AND ON  
REVIEW TO FIND RESPONDENTS IN DEFAULT UNDER COMMISSION RULES  
210.16(a)(2) AND (b)(2)**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review the presiding administrative law judge's ("ALJ") initial determinations ("ID") (Order Nos. 15 and 16) finding Nectron International Inc. and certain other respondents in default. The Commission has determined on review that these respondents are properly held in default under Commission rules 210.16(a)(2) and (b)(2) (19 C.F.R. § 210.16(a)(2) and (b)(2)).

**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 Ninestar Image Int'l, Ltd. of Guangdong, China, Seine Image International Co. Ltd. of New Territories, Hong Kong, Ninestar Technology Company, Ltd. of Piscataway, New Jersey, Ziprint Image Corporation of Walnut, California, Nano Pacific Corporation of South San Francisco, California (collectively, "Ninestar respondents") and Nectron International, Inc. of Sugarland, Texas ("Nectron").

On January 7, 2011, Nectron filed a notice electing to default. On January 14, 2011, Lexmark filed a response supporting Nectron's motion. Also on January 14, 2011, the Commission investigative attorney ("IA") filed a response supporting the motion.

On January 9, 2011, the Ninestar respondents filed a notice electing to default. On January 31, 2011, Lexmark filed a response supporting the Ninestar respondents' motion. On February 2, 2011, the IA filed a response supporting the motion.

On February 1, 2011, the ALJ issued the first subject ID (Order No. 15) granting under Commission Rule 210.16(a)(1) Nectron's election to default. On February 2, 2011, the ALJ issued the second subject ID (Order No. 16) granting under Commission Rule 210.16(a)(1) the Ninestar respondents' election to default. In both cases, the ALJ found that, because the respondents elected to default, effectively waiving their right to participate in the investigation, issuing an order to show cause "would serve no purpose." No petitions for review of either ID were filed.

The Commission has determined to review the ID for the sole purpose of noting that the appropriate authority for granting the respondents' elections to default is found in sections 210.16(a)(2) and (b)(2) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.16(a)(2) and (b)(2)) because these respondents filed answers to the complaint and notice of investigation.

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 210.44 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.44).

By order of the Commission.

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

Issued: March 3, 2011