

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Inv. No. 337-TA-740

NOTICE OF INVESTIGATION

AGENCY: U.S. International Trade Commission

ACTION: Institution of investigation pursuant to 19 U.S.C. § 1337

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 20, 2010, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Lexmark International, Inc. of Lexington, Kentucky. The complaint alleges violations of section 337 based upon 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 No. 5,337,032 (“the ‘032 patent”); U.S. Patent No. 5,634,169 (“the ‘169 patent”); U.S. Patent No. 5,758,233 (“the ‘233 patent”); U.S. Patent No. 5,768,661 (“the ‘661 patent”); U.S. Patent No. 5,802,432 (“the ‘432 patent”); U.S. Patent No. 5,875,378 (“the ‘378 patent”); U.S. Patent No. 6,009,291 (“the ‘291 patent”); U.S. Patent No. 6,078,771 (“the ‘771 patent”); U.S. Patent No. 6,397,015 (“the ‘015 patent”); U.S. Patent No. 6,459,876 (“the ‘876 patent”); U.S. Patent No. 6,816,692 (“the ‘692 patent”); U.S. Patent No. 6,871,031 (“the ‘031 patent”); U.S. Patent No. 7,139,510 (“the ‘510 patent”); U.S. Patent No. 7,233,760 (“the ‘760 patent”); U.S. Patent No. 7,305,204 (“the ‘204 patent”). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 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>.

FOR FURTHER INFORMATION CONTACT: Rett Snotherly, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2599

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2010).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on October 5, 2010, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain toner cartridges and components thereof that infringe one or more of claim 1 of the '032 patent; claims 1-3, 32, 33, 36, and 42 of the '169 patent; claims 1 and 2 of the '233 patent; claims 1 and 2 of the '661 patent; claims 1-3 of the '432 patent; claims 1, 2, and 14 of the '378 patent; claims 1 and 2 of the '291 patent; claims 1, 2, 5, 6, 10, and 15 of the '771 patent; claims 1, 2, 7, 10, 11, 14, 15, 17, 22, and 24 of the '015 patent; claims 1-3 and 28 of the '876 patent; claim 1 of the '692 patent; claims 1, 3, 5, 8, and 10 of the '031 patent; claims 1 and 6 of the '510 patent; claims 11, 12, and 14 of the '760 patent; and claims 1, 7, 14, and 15 of the '204 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Lexmark International, Inc.
740 W. New Circle Road
Lexington, KY 40550

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Ninestar Image Co. Ltd.
(a/k/a Ninestar Technology Co., Ltd.)
No. 63 Mingzhubei Road, Zhuhai 519075
Guangdong
China

Ninestar Image Int'l, Ltd.
No. 63 Mingzhubei Road, Zhuhai 519075
Guangdong
China

Seine Image International Co. Ltd.
Rm. 18, 9/F New Commercial Ctr
9 on Lai St
Sha Tin
New Territories
Hong Kong

Ninestar Technology Company, Ltd.
150 Abbott Court
Piscataway, NJ 08854

Ziprint Image Corporation
19805 Harrison Avenue
Walnut, CA 91789

Nano Pacific Corporation
377 Swift Avenue
South San Francisco, CA 94080

IJSS Inc. (d/b/a TonerZone.com Inc. and
Inkjet Superstore)
1880 Century Park East, #200
Los Angeles, CA 90067

Chung Pal Shin (d/b/a Ink Master)
16635 Valley View
Cerritos, CA 90703

Nectron International, Inc.
725 Park Two Drive
Sugarland, TX 77478

Quality Cartridges Inc.
162 44th Street
Brooklyn, NY 11232

Direct Billing International Incorporated
(d/b/a Office Supply Outfitter and d/b/a
The Ribbon Connection)
5910 Sea Lion Place, Suite 100
Carlsbad, CA 92010

E-Toner Mart, Inc.
1718 Potrero Avenue, Suite #A
South El Monte, CA 91733

Alpha Image Tech
1718 Potrero Avenue Suite #A
South El Monte, CA 91733

ACM Technologies, Inc.
2535 Research Drive
Corona, CA 92882

Virtual Imaging Products Inc.
135 Ormont Drive Unit #14/15
North York, Ontario M9L 1N6

Acecom Inc. – San Antonio
(d/b/a inksell.com)
14833 Bulverde Road
San Antonio, TX 78251

Ink Technologies Printer Supplies, LLC
(d/b/a Ink Technologies LLC)
7600 McEwen Road
Dayton, OH 45459

Jahwa Electronics Co., Ltd.
7-6 Hyunam-ri Bugi-myeon Chongwon-gun
Chungchongbuk-do,
South Korea 363-920

Huizhou Jahwa Electronics Co., Ltd.
No. 10 JiangJun Road, ZhouTian Village,
Quichang Town, Huiyang District,
Huizhou, Guangdong Province,
China

Copy Technologies, Inc.
130 James Aldredge Blvd SW
Atlanta, GA 30336

Laser Toner Technology, Inc.
515 Wharton Circle SW
Atlanta, GA 30336

C & R Services, Incorporated
2035 Fair Oaks Circle
Corinth, TX 76210

Print-Rite Holdings Ltd.
Unit 8, 10F, Block A, MP Industrial
Centre, No. 18 Ka Yip Street,
Chai Wan
Hong Kong

Union Technology Int'l (M.C.O.) Co.
Ltd. 14H, Nam Kwong Building,
223-225 Avenida Drive
Rodrigo Rodrigues, Macao

(c) The Commission investigative attorney, party to this investigation, is Rett Snotherly, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d)-(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the

complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: October 6, 2010