

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 determination ("ID") (Order No. 19) finding certain 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 ACM Technologies, Inc. of Corona, California; Chung Pal Shin (d/b/a/ Ink Master) of Cerritos, California; Direct Billing International, Inc. (d/b/a/ Office Supply Outfitter and d/b/a/ The Ribbon Connection) of Carlsbad, California ("Direct Billing"); Ink Technologies Printer Supplies, LLC (d/b/a/ Ink Technologies LLC) of Dayton, Ohio; Quality Cartridges, Inc. of Brooklyn, New York (collectively, "ACM").

On January 28, 2011, the ACM respondents filed a notice electing to default. On February 9, 2011, Lexmark filed a response supporting the motion. Also on February 9, 2011, the Commission investigative attorney ("IA") filed a response supporting the motion. On February 14, 2011, Direct Billing filed a corrected notice, correcting its corporate name. On February 15, 2011, the IA filed a supplemental response supporting Direct Billing's motion. On February 18, 2011, Lexmark filed a supplemental response supporting Direct Billing's motion.

On February 22, 2011, the ALJ issued the subject ID granting under Commission Rule 210.16 the ACM respondents' elections to default. No petitions for review of the 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/
William R. Bishop
Hearings and Meetings Coordinator

Issued: March 11, 2011