

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

In the Matter of

**CERTAIN TONER CARTRIDGES
AND COMPONENTS THEREOF**

Investigation No. 337-TA-829

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING pcRUSH**

AGENCY: U.S. 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. 8) terminating Atman, Inc. d/b/a pcRUSH.com (“pcRUSH”) from the above-captioned investigation; issuance of consent order.

FOR FURTHER INFORMATION CONTACT: James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3065. 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 (<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: This investigation was instituted on February 27, 2012, based upon a complaint filed on behalf of Canon, Inc. of Tokyo, Japan; Canon U.S.A., Inc. of Lake Success, New York; and Canon Virginia, Inc. of Newport News, Virginia (collectively, “Canon”) on January 23, 2012. *77 Fed. Reg.* 11586 (Feb. 27, 2012). The complaint alleged violations of section 337 of the Tariff Act of 1930 as amended (19 U.S.C. § 1337) in the sale for importation, importation, or sale after importation of certain toner cartridges and components thereof by reason of infringement of one or more of claims 128-130, 132, 133 and 139-143 of U.S. Patent Nos. 5,903,803 and claims 24-30 of U.S. Patent No. 6,128,454. The notice of institution named numerous respondents, including pcRUSH of El Segundo, California.

On March 9, 2012, Canon and pcRUSH filed a joint motion to terminate the investigation based on a consent order stipulation and proposed consent order. On March 22, 2012, the Commission investigative attorney filed a response stating that the consent order and consent order stipulation do not comply with Commission rule 210.21(c) because they could apply to

noninfringing products. On March 23, 2012, Canon and pcRUSH filed a revised consent order and consent order stipulation. On June 19, 2012, the ALJ issued Order No. 8, granting the motion to terminate pcRUSH from the investigation by consent order. No petitions for review were filed.

After considering the ID and the relevant portions of the record, the Commission has determined not to review the ID and to issue the subject consent order.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and Part 210 of the Commission's Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.

/s/
Lisa R. Barton
Acting Secretary to the Commission

Issued: July 16, 2012