

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN TONER SUPPLY
CONTAINERS AND COMPONENTS
THEREOF

Inv. No. 337-TA-960

Order No. 4: INITIAL DETERMINATION
Terminating the Investigation Based on a Consent Order Stipulation and
Proposed Consent Order

Pursuant to 19 C.F.R. § 210.21(c), respondents General Plastic Industrial Co., Ltd. (“GPI”) and Color Imaging, Inc. (“Color Imaging”) filed an unopposed motion to terminate this investigation based on a consent order stipulation and proposed consent order. Motion Docket No. 960-001. Complainants Canon Inc.; Canon U.S.A., Inc.; and Canon Virginia, Inc. do not oppose the motion. *See* Mot. at 1, 5.

Commission Rule 210.21(c) provides that “[a] motion for termination by consent order shall contain copies of any licensing or other settlement agreement, any supplemental agreements, and a statement that there are no other agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation.” 19 C.F.R. § 210.21(c). The pending motion includes the following attachments: (1) a consent order stipulation signed by GPI and Color Imaging and (2) a proposed consent order. Further, it is stated that “[t]here are no agreements, written or oral, express or implied, between the parties concerning the subject matter of this investigation.” Mot. at 4. The pending motion therefore satisfies the requirements of Commission Rule 210.21(c).

Commission Rule 210.21(c)(3) sets forth the requirements for a consent order stipulation. 19 C.F.R. § 210.21(c)(3). It is determined that the consent order stipulation submitted with the pending motion satisfies the requirements set forth in Commission Rule 210.21(c)(3).

Commission Rule 210.21(c)(4) sets forth the requirements for a consent order. 19 C.F.R. § 210.21(c)(4). It is determined that the proposed consent order submitted with the pending motion satisfies the requirements set forth in Commission Rule 210.21(c)(4).

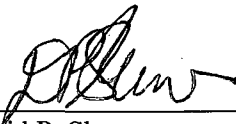
Commission Rule 210.50(b)(2) provides that, in the case of a proposed termination by settlement agreement, consent order, or arbitration agreement, the parties may file statements regarding the impact of the proposed termination on the public interest, and the administrative law judge may hear argument, although no discovery may be compelled, with respect to issues relating solely to the public interest. 19 C.F.R. § 210.50(b)(2). The administrative law judge is directed to consider and make appropriate findings “regarding the effect of the proposed settlement on the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers.” *See id.*

Movants state that “termination of this Investigation against Respondents and entry of the Proposed Consent Order is in the public interest, which favors the settlement of dispute to avoid needless litigation and to conserve resources.” Mot. at 4. It is argued that “entry of the Proposed Consent Order will conserve the time and resources of both the Commission and the private parties since it removes Respondents from this Investigation.” *Id.* at 4-5. It is further argued that “entry of the Proposed Consent Order will not impose an undue burden on the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States or United States’ consumers.” *Id.* at 5.

Having reviewed the pending motion and the attachments thereto, the undersigned does not find any evidence that terminating this investigation as to General Plastic Industrial Co., Ltd. and Color Imaging, Inc. based on the consent order stipulation and proposed consent order would be contrary to the public interest.

Accordingly, it is the initial determination of the undersigned that Motion No. 960-001 is granted. This investigation is terminated in its entirety.

Pursuant to 19 C.F.R. § 210.42(h), this initial determination shall become the determination of the Commission unless a party files a petition for review of the initial determination pursuant to 19 C.F.R. § 210.43(a), or the Commission, pursuant to 19 C.F.R. § 210.44, orders on its own motion a review of the initial determination or certain issues contained herein.



David P. Shaw
Administrative Law Judge

Issued: August 4, 2015

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C. 20436
Before the Honorable David P. Shaw
Administrative Law Judge**

In the Matter of:

CERTAIN TONER SUPPLY CONTAINERS
AND COMPONENTS THEREOF

Investigation No.
337-TA-960

**RESPONDENTS GENERAL PLASTIC INDUSTRIAL
CO., LTD.'S AND COLOR IMAGING, INC.'S
UNOPPOSED MOTION TO TERMINATE
INVESTIGATION BASED ON CONSENT ORDER
STIPULATION AND PROPOSED CONSENT ORDER**

Pursuant to Commission Rule 210.21(c)(1)(ii), 19 C.F.R. § 210(c)(1)(ii), Respondents General Plastic Industrial Co., Ltd. (“GPI”) and Color Imaging, Inc. (“Color Imaging”) (collectively “Respondents”) hereby move for the termination of this investigation as to GPI and Color Imaging and for the entry of the attached Proposed Consent Order.

Complainants Canon Inc., Canon U.S.A., Inc., and Canon Virginia, Inc. (collectively “Canon”) filed a complaint (“Complaint”) before the United States International Trade Commission (“Commission”) on June 12, 2015, alleging unfair acts in the importation into the United States, sale for importation into the United States, and sale in the United States after importation of certain toner supply containers and components thereof by GPI and Color Imaging that infringe one or more of claims 1, 7-9,

11, 16-18, 29, and 38 of U.S. Pat. No. 8,909,094 (the “‘094 Patent”) and claims 1, 7-9, and 16 of U.S. Pat. No. 9,046,820 (the “‘820 Patent”) (collectively “Asserted Patents”).

As set forth in the accompanying Stipulation to Consent Order, Respondents stipulate and agree:

- 1) Respondent GPI is a limited liability company organized and existing under the laws of Taiwan, with its principal place of business located at 50 Tzu Chiang Road, Wu-Chi Town, Taichung County, Taiwan.
- 2) Respondent Color Imaging is a corporation organized and existing under the laws of the State of Georgia, with its principal place of business located at 4350 Peachtree Industrial Blvd., Suite 100, Norcross, Georgia 30071.
- 3) “Subject Articles” shall mean the toner supply containers identified in the Complaint as having come from GPI and/or Color Imaging (see, for example, Sections V and VI and Exhibits 8 to 13 of the Complaint), and any other toner supply containers that infringe one or more of claims 1, 7-9, 11, 16-18, 29, and 38 of the ‘094 Patent and claims 1, 7-9, and 16 of the ‘820 Patent.
- 4) Respondents stipulate to the entry of a Consent Order in the form attached to the Stipulation to Consent Order as Exhibit A (the “Consent Order”).
- 5) The Commission has in rem jurisdiction over Respondents’ certain toner supply containers and components thereof that are the basis of this Investigation

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