

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN TONER SUPPLY
CONTAINERS AND COMPONENTS
THEREOF

Inv. No. 337-TA-960

NOTICE OF INSTITUTION OF INVESTIGATION

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

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on June 12, 2015, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Canon Inc. of Japan; Canon U.S.A., Inc. of Melville, New York; and Canon Virginia, Inc. of Newport News, Virginia. 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 supply containers and components thereof by reason of infringement of certain claims of U.S. Patent No. 8,909,094 (“the ’094 patent”) and U.S. Patent No. 9,046,820 (“the ’820 patent”). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited 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: The Office of the Secretary, Docketing Services Division, U.S. International Trade Commission, telephone (202) 205-1802.

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 (2015).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on July 9, 2015, 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 supply containers and components thereof by reason of infringement of 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, 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 complainants are:

Canon Inc.
30-2, Shimomaruko 3-chome
Ohta-ku, Tokyo 146-8501
Japan

Canon U.S.A., Inc.
One Canon Park
Melville, NY 11747

Canon Virginia, Inc.
12000 Canon Boulevard
Newport News, VA 23606

(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:

General Plastic Industrial Co., Ltd.
50 Tzu-Chiang Road
Wu-Chi Town, Taichung County
Taiwan

Color Imaging, Inc.
4350 Peachtree Industrial Blvd., Suite 100
Norcross, GA 30071

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

The Office of Unfair Import Investigations will not participate as a party in this investigation.

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(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.



Lisa R. Barton
Secretary to the Commission

Issued: July 10, 2015

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE OF INSTITUTION OF INVESTIGATION** has been served by hand upon the Office of Unfair Import Investigations and the following parties as indicated, on **July 10, 2015**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

Complainants:

Canon Inc.
30-2 Shimomaruko 3-chome
Ohta-ku, Tokyo 146-8501
Japan

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Canon U.S.A., Inc.
One Canon Park
Melville, NY 11747

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Canon Virginia, Inc.
12000 Canon Boulevard
Newport News, VA 23606

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

On Behalf of Complainants:

Edmund J. Haughey, Esq.
FITZPATRICK, CELLA, HARPER & SCINTO
975 F Street, NW
Washington, DC 20004

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Respondents:

General Plastic Industrial Co., Ltd.
50 Tzu-Chiang Road
Wu-Chi Town, Taichung County
Taiwan

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

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Color Imaging, Inc.
4350 Peachtree Industrial Blvd., Suite 100
Norcross, GA 30071

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Embassy:

Taipei Economic & Cultural Representative Office
4201 Wisconsin Avenue, NW
Washington, DC 20016

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Government Agencies:

Edward T. Hand, Chief
Foreign Commerce Section
Antitrust Division
U.S. Department of Justice
450 5th Street NW, Room 11000
Washington, DC 20530

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Intellectual Property Rights Branch
Regulations and Rulings
Office of International Trade
U.S. Customs and Border Protection
90 K Street, NE, 10th Floor
Washington, DC 20229-1177

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Elizabeth Kraus, Deputy Director
International Antitrust, Office of International Affairs
Federal Trade Commission
600 Pennsylvania Avenue, Room 498
Washington, DC 20580

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Dale D. Berkley, Ph.D., J.D.
Office of General Counsel, PHD, NIH Branch
National Institutes of Health
31 Center Drive
Bldg. 31, Rm. 47
Bethesda, MD 20892

- Via Hand Delivery
 Via Express Delivery
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 Other: _____

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