

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN TONER SUPPLY
CONTAINERS AND COMPONENTS
THEREOF**

Investigation No. 337-TA-960

CONSENT ORDER

The U.S. International Trade Commission (the “Commission”) has instituted the above-captioned investigation under Section 337 of the Tariff Act of 1930 as amended (19 U.S.C. § 1337), based upon the allegations contained in the Complaint filed by Complainants Canon Inc., Canon U.S.A., Inc., and Canon Virginia, Inc. (collectively, “Canon”), which alleges unfair acts in 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 Respondents General Plastic Industrial Co., Ltd. (“GPI”) and Color Imaging, Inc. (“Color Imaging”) (collectively, “Respondents”) that infringe one or more of claims 1, 7-9, 11, 16-18, 29, and 38 of U.S. Patent No. 8,909,094 (“‘094 Patent”) and claims 1, 7-9, and 16 of U.S. Patent No. 9,046,820 (“‘820 Patent”) (collectively, “Asserted Patents”).

Respondents have executed a Consent Order Stipulation in which they agree to the entry of this Consent Order and to all waivers and other provisions as required by the Commission’s Rules of Practice and Procedure and have filed an Unopposed Motion for Termination of this Investigation based upon the Proposed Consent Order.

IT IS HEREBY ORDERED THAT:

1. "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 8-13 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.

2. Upon entry of this Consent Order, Respondents shall not sell for importation, import into the United States, or sell or offer for sale in the United States after importation of the Subject Articles, directly or indirectly, and will not aid, abet, encourage, participate in, or induce importation into the United States, the sale for importation into the United States, or use in the United States after importation of the Subject Articles, except under consent or license from Canon.

3. This Consent Order shall be applicable to and binding upon Respondents and their officers, directors, agents, servants, employees, and all persons, firms, corporations, successors, assigns, or other entities acting or purporting to act on any Respondent's behalf or under the direction or authority of any Respondent.

4. Respondents shall be precluded from seeking judicial review or otherwise challenging or contesting the validity of the Consent Order.

5. Respondents shall cooperate with and will not seek to impede by litigation or other means the Commission's efforts to gather information under Subpart I of the Commission's Rules of Practice and Procedure, 19 C.F.R. Part 210.

10. Respondents and their officers, directors, employees, agents and any entity or individual acting on any Respondent's behalf and with its authority shall not seek to challenge

the validity or enforceability 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 in any administrative or judicial proceeding to enforce the Consent Order.

11. Upon expiration of an Asserted Patent, this Consent Order shall become null and void as to that Asserted Patent.

12. If any claim of any Asserted Patent is found or adjudicated invalid or unenforceable by the Commission or a court or agency of competent jurisdiction, in a final decision, no longer subject to appeal, this Consent Order shall become null and void as to any such invalid or unenforceable claim.

13. This Investigation is hereby terminated as to GPI and Color Imaging; provided, however, that enforcement, modification, or revocation of this Consent Order shall be carried out pursuant to Subpart I of the Commission's Rules of Practice and Procedure, 19 C.F.R. Part 210.

By order of the Commission.



Lisa Barton
Secretary to the Commission

Issued: September 2, 2015

**CERTAIN TONER SUPPLY CONTAINERS AND
COMPONENTS THEREOF**

Inv. No. 337-TA-960

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **COMMISSION ORDER** has been served by hand upon the Office of Unfair Import Investigations and the following parties as indicated, on **September 2, 2015**.



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

**On Behalf of Complainants Canon Inc., Canon U.S.A., Inc.,
and Canon Virginia, Inc.:**

Edmund J. Haughey, Esq.
FITZPATRICK, CELLA, HARPER & SCINTO
975 F Street, NW
Washington, DC 20004-1010

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

**On Behalf of Respondents General Plastic Industrial Co., Ltd.
and Color Imaging, Inc.:**

Bryan G. Harrison, Esq.
LOCKE LORD LLP
Terminus 200, Suite 1200
3333 Piedmont Rd NE
Atlanta, GA 30305

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