

**INTERNATIONAL TRADE
COMMISSION**

[Inv. No. 337-TA-565]

**Certain Ink Cartridges and
Components Thereof; Institution of
Consolidated Advisory Opinion and
Modification Proceedings****AGENCY:** U.S. International Trade
Commission.**ACTION:** Notice.**SUMMARY:** Notice is hereby given that
the U.S. International Trade
Commission has instituted consolidated
advisory opinion and modification
proceedings.**FOR FURTHER INFORMATION CONTACT:**

Michael Haldenstein, Office of the
General Counsel, U.S. International
Trade Commission, 500 E Street, SW.,
Washington, DC 20436, telephone (202)
205-3041. Copies of all nonconfidential
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 SW., Washington, DC 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/](http://edis.usitc.gov/). Hearing-impaired
persons are advised that information on
the matter can be obtained by contacting
the Commission's TDD terminal on 202-
205-1810.

SUPPLEMENTARY INFORMATION: The
Commission instituted the underlying
investigation in this matter on March
23, 2006, based on a complaint filed by
Epson Portland, Inc. of Oregon; Epson
America, Inc. of California; and Seiko
Epson Corporation of Japan (collectively
"Epson"). 71 FR 14720 (March 23, 2006).
The complaint, as amended, alleged
violations of section 337 of the Tariff
Act of 1930 ("section 337") in the
importation into the United States, the
sale for importation, and the sale within
the United States after importation of
certain ink cartridges and components
thereof by reason of infringement of
claim 7 of U.S. Patent No. 5,615,957;
claims 18, 81, 93, 149, 164 and 165 of
U.S. Patent No. 5,622,439; claims 83 and
84 of U.S. Patent No. 5,158,377; claims
19 and 20 of U.S. Patent No. 5,221,148;
claims 29, 31, 34 and 38 of U.S. Patent
No. 5,156,472; claim 1 of U.S. Patent
No. 5,488,401; claims 1-3 and 9 of U.S.
Patent No. 6,502,917; claims 1, 31 and

34 of U.S. Patent No. 6,550,902; claims
1, 10 and 14 of U.S. Patent No.
6,955,422; claim 1 of U.S. Patent No.
7,008,053; and claims 21, 45, 53 and 54
of U.S. Patent No. 7,011,397. The
complaint further alleged that an
industry in the United States exists as
required by subsection (a)(2) of section
337. The complainants requested that
the Commission issue a general
exclusion order and cease and desist
orders. The Commission named as
respondents 24 companies located in
China, Germany, Hong Kong, Korea, and
the United States. Several respondents
were terminated from the investigation
on the basis of settlement agreements or
consent orders or were found in default.

On March 30, 2007, the presiding
administrative law judge (ALJ) issued a
final ID in the investigation finding a
violation of section 337 with respect to
certain respondents. He found the
asserted claims valid and infringed by
certain respondents' products. He
recommended issuance of a general
exclusion order and cease and desist
orders directed to certain respondents
and bond in the amount of \$13.60 per
cartridge during the Presidential review
period.

On October, 19, 2007, after review,
the Commission made its final
determination in the investigation,
finding a violation of section 337. The
Commission issued a general exclusion
order, limited exclusion order, and
cease and desist orders directed to
several domestic respondents. The
Commission also determined that the
public interest factors enumerated in 19
U.S.C. 1337(d), (f), and (g) did not
preclude issuance of the aforementioned
remedial orders, and that the bond
during the Presidential review period
would be \$13.60 per cartridge for
covered ink cartridges.

On December 13, 2010, two
respondents in the underlying
investigation, Ninestar Technology Co.,
Ltd. and Ninestar Technology Company,
Ltd. ("Ninestar U.S.") (collectively,
"Ninestar"), filed a joint request for an
advisory opinion proceeding and a
petition for modification of the general
exclusion order and a cease and desist
order issued by the Commission to
Ninestar U.S. On February 3, 2011,
Epson filed a petition for modification
of the general exclusion order and the
cease and a desist order issued to
Ninestar U.S.

After examining the submissions by
Ninestar and Epson, the Commission
has determined to institute consolidated
advisory opinion and modification
proceedings to determine whether
Ninestar's R-Series ink cartridges
infringe any of the patent claims

included in the general exclusion order
or the cease and desist order issued to
Ninestar U.S. in the investigation and
what, if any, modifications to the
general exclusion order and/or the cease
and desist order issued to Ninestar U.S.
are appropriate.

The Commission has referred the
consolidated proceedings to the Chief
Administrative Law Judge to designate a
presiding administrative law judge. The
following entities are named as parties
to the proceedings: (1) Complainant
Epson; (2) respondents Ninestar
Technology Co., Ltd. and Ninestar U.S.
The Office of Unfair Import
Investigations will not be participating
as a party in this 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
sections 210.76 and 210.79 of the
Commission's Rules of Practice and
Procedure (19 CFR 210.76, 210.79).

By order of the Commission.

Issued: March 18, 2011.

James R. Holbein,*Acting Secretary to the Commission.*

[FR Doc. 2011-6953 Filed 3-23-11; 8:45 am]

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COMMISSION**

[Inv. No. 337-TA-767]

**Certain Glassware; Notice of
Investigation****AGENCY:** U.S. International Trade
Commission.**ACTION:** Institution of investigation
pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a
complaint was filed with the U.S.
International Trade Commission on
February 18, 2011, under section 337 of
the Tariff Act of 1930, as amended, 19
U.S.C. 1337, on behalf of Boston Beer
Corporation of Boston, Massachusetts. A
supplement to the complaint was filed
on March 14, 2011. 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 glassware by
reason of infringement of U.S. Patent
No. D582,213 ("the '213 patent") and
U.S. Patent No. D569,189 ("the '189
patent"). The complaint further alleges
that an industry in the United States
exists as required by subsection (a)(2) of
section 337.

The complainant requests that the
Commission institute an investigation