

**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]

**BILLING CODE P****INTERNATIONAL TRADE  
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