

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C.**

**Before the Honorable Clark S. Cheney  
Administrative Law Judge**

**In the Matter of**

**CERTAIN TONER SUPPLY CONTAINERS  
AND COMPONENTS THEREOF (I)**

Investigation No. 337-TA-1259

**COMPLAINANTS' MOTION TO PARTIALLY TERMINATE THE  
INVESTIGATION BASED ON WITHDRAWAL OF THE COMPLAINT  
AS TO RESPONDENT KENOGEN, AND DECLARATION UNDER  
19 C.F.R. § 210.16(c)(2) OF INTENT TO SEEK GENERAL EXCLUSION ORDER**

**Ground Rule 5.1 Certification**

Pursuant to Ground Rule 5.1, on July 14, 2021, counsel for Complainants Canon Inc., Canon U.S.A., Inc., and Canon Virginia, Inc. (collectively, "Canon") discussed the substance of this motion with the Commission Investigative Staff ("the Staff"). The Staff indicated that it does not oppose the motion and will be filing a response. As of the filing of this motion, no respondent is participating in this investigation.<sup>1</sup>

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Pursuant to Commission Rule 210.21, Canon hereby moves to partially terminate the investigation based on the withdrawal of the allegations in its complaint (including the amended

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<sup>1</sup> Respondents Ninestar Corporation, Ninestar Image Tech Limited, Ninestar Technology Company, Ltd., Static Control Components, Inc., Easy Group, LLC, LD Products, Inc., and The Supplies Guys, Inc. have been found in default. *See* Commission Determination (July 6, 2021). The ALJ issued an initial determination terminating the investigation as to Respondents General Plastic Industrial Co. Ltd., Katun Corporation, and Sun Data Supply, Inc. Order No. 10 (July 1, 2021). None of the other respondents have responded to Canon's complaint or otherwise participated in this investigation.

complaint) relating to violations by Respondent Shenzhenshi Keluodeng Kejiyouxiangognsi (“KenoGen”).

Commission Rule 210.21(a)(1) provides:

Any party may move at any time prior to the issuance of an initial determination on violation of section 337 of the Tariff Act of 1930 to terminate an investigation in whole or in part as to any or all respondents, on the basis of withdrawal of the complaint or certain allegations contained therein, or for good cause other than the grounds listed in paragraph (a)(2) of this section. A motion for termination of an investigation based on withdrawal of the complaint, or for good cause, shall contain a statement that there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation, or if there are any agreements concerning the subject matter of the investigation, all such agreements shall be identified, and if written, a copy shall be filed with the Commission along with the motion.

19 C.F.R. § 210.21(a)(1).

The Commission has held that, “in the absence of extraordinary circumstances, termination of an investigation will be readily granted to a complainant during the prehearing stage of an investigation.” *Certain Television Sets, Television Receivers, Television Tuners, & Components Thereof*, Inv. No. 337-TA-910, Order No. 50 at 2 (Nov. 12, 2014) (quoting *Certain Navigation Products, Including GPS Devices, Navigation & Display Systems, Radar Systems, Navigational Aids, Mapping Systems & Related Software*, Inv. No. 337-TA-900, Order No. 16 at 2–3 (Apr. 16, 2014)).

On April 9, 2021, pursuant to the Commission’s March 19, 2020 Temporary Change to the Filing Procedure, Complainants unsuccessfully attempted to serve copies of the complaint, notice of investigation, and related materials upon KenoGen via express delivery at the address listed on KenoGen’s *Amazon.com* seller page. *See* April 21, 2021 Letter to Secretary Barton Regarding Proof of Service (EDIS Doc. ID 740618). On April 23, 2021, Complainants moved for leave to effect personal service of the complaint upon various respondents, including

KenoGen and certain other *Amazon.com* seller respondents<sup>2</sup> via their *Amazon.com* seller profile contact links (EDIS Doc. ID 740761), which the ALJ subsequently granted in Order No. 6 on June 3, 2021. As set forth in Canon’s June 15, 2021 letter to Secretary Barton (EDIS Doc. ID 744776), Canon sent messages to KenoGen and the other *Amazon.com* seller respondents via their *Amazon.com* seller profile contact links, which attached and provided download links to copies of the complaint, amended complaint, notice of investigation, and related documents. *See id.* at Exs. 2-6 thereto.

On July 12, 2021, in connection with a proposed motion for an order to show cause as to why various respondents should not be found in default in this investigation, the Staff indicated that it would be inclined to oppose the motion to the extent that it sought relief as to KenoGen, insofar as KenoGen was the one respondent served via *Amazon.com* that did not respond to the message sent to it. In order to streamline the issues in the motion for an order to show cause, and the investigation generally, Canon moves to terminate the investigation as to KenoGen based on the withdrawal of the allegations in its complaint against it.

Pursuant to Commission Rule 210.21(a)(1), there are no agreements, written or oral, express or implied, between Canon and KenoGen concerning the subject matter of this investigation.

Termination of this investigation as to KenoGen is in the interests of the public and administrative economy, as removing this entity from this investigation will streamline the issues

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<sup>2</sup> The additional *Amazon.com* seller respondents were Anhuiyatengshangmaoyouxiangongsi (“Yatengshang”), ChengDuXiangChangNanShiYouSheBeiYouXianGongSi (“ChengDuXiang”), Hefeierlandianzishangwuyouxiangongsi (“Erlandianzishang”), and Xianshi yanliangqu canqiubaihuodianshanghang (“CJ-us”). *See* EDIS Doc. ID. 740761.

and conserve both public and private resources. In addition, there are no extraordinary circumstances that would preclude partial termination of this investigation.

Accordingly, Canon respectfully requests that the Administrative Law Judge issue an initial determination terminating this investigation as to KenoGen.

**Declaration Under 19 C.F.R. § 210.16(c)(2) of Intent to Seek General Exclusion Order**

To the extent that KenoGen is deemed to be the last remaining respondent in this investigation, Canon hereby declares, pursuant to 19 C.F.R. § 210.16(c)(2), that it seeks a general exclusion order in this investigation. In due course, Canon intends to file a motion for summary determination of violation by the respondents that are found in default, and a recommended determination on remedy, in which Canon will establish such violations and the factors of 19 C.F.R. § 210.50(c) through substantial, reliable, and probative evidence.

Dated: July 15, 2021

Respectfully submitted,

/s/ Michael P. Sandonato

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*Counsel for Complainants*

*Canon Inc., Canon U.S.A., Inc., and*

*Canon Virginia, Inc.*

## CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2021, copies of the foregoing were filed and served as indicated below.

/s/ Dennis J. McMahon  
Dennis J. McMahon

The Honorable Lisa R. Barton  
Secretary of the Commission  
U.S. INTERNATIONAL TRADE COMMISSION  
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Washington, DC 20436

Via EDIS

The Honorable Clark S. Cheney  
Administrative Law Judge  
U.S. INTERNATIONAL TRADE COMMISSION  
500 E. Street SW  
Washington, DC 20436

Via EDIS

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Office of Unfair Import Investigations  
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Via electronic service with  
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### **Respondents:**

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Via First Class Mail

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ShaWanLu63Hao1Dong2DanYuan5Lou1HaoFu7Hao  
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ChengDuShi  
SiChuanSheng, China 610000

Via First Class Mail

**Copier Repair Specialists, Inc.**

P.O. Box. 127  
Lewisville, Texas 75067

Via First Class Mail

**Digital Marketing Corporation d/b/a Digital Buyer  
Marketing Company**

155 W. Washington Blvd.  
Suite 306  
Los Angeles, California 90015

Via First Class Mail

**Do It Wiser, Inc. d/b/a Image Toner**

3422 Old Capitol Trail, #747  
Wilmington, Delaware 19808

Via First Class Mail

**Hefeierlandianzishangwuyouxiangongsi**

Xuefushequhuanchengdongluyiduan193 195ha  
Piduqutuanjiezheng  
Chengdushi, China 610000

Via First Class Mail

**Ink Technologies Printer Supplies, LLC**

7600 McEwen Road  
Dayton, Ohio 45459

Via First Class Mail

**Kuhlmann Enterprises, Inc. d/b/a Precision Roller**

2102 W. Quail Avenue, Suite 1  
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Via First Class Mail

**NAR Cartridges**

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**Shenzhenshi Keluodeng Kejiyouxiangognsi**

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Bujijiedao, Longgangqu  
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