

PUBLIC VERSION

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

In the Matter of

**CERTAIN INK CARTRIDGES AND
COMPONENTS THEREOF I**

Investigation No. 337-TA-1451

COMMISSION OPINION

TABLE OF CONTENTS

I.	INTRODUCTION	2
II.	BACKGROUND.....	3
	A. Procedural Background	3
	B. The Parties.....	6
	C. Asserted Patents.....	7
	D. Products at Issue	7
III.	COMMISSION REVIEW OF THE ID.....	14
IV.	INDIRECT INFRINGEMENT.....	14
V.	DOMESTIC INDUSTRY	16
	A. Legal Standards	16
	B. The ID’s Findings	17
	C. Analysis.....	20
VI.	REMEDY, THE PUBLIC INTEREST, AND BONDING	23
	A. General Exclusion Order	23
	B. Cease and Desist Orders	25
	C. Public Interest	26
	D. Bonding	28
VII.	CONCLUSION.....	29

PUBLIC VERSION

I. INTRODUCTION

On July 1, 2026, the Commission determined to review in part an initial determination (“ID”) (Order No. 16) granting summary determination of a violation issued by the presiding Administrative Law Judge (“ALJ”). 91 Fed. Reg. 41658-60 (July 7, 2026). On review, the Commission affirms the ID’s grant of summary determination with modified reasoning and supplemental findings. The Commission therefore finds a violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337) (“section 337”) with respect to certain ink cartridges and components thereof that infringe one or more of claims 8, 11, and 20 of U.S. Patent No. 8,540,347 (“the ’347 patent”), claims 7 and 17 of U.S. Patent No. 9,061,508 (“the ’508 patent”), claim 1 of U.S. Patent No. 11,535,037 (“the ’037 patent”), claim 1 of U.S. Patent No. 11,820,150 (“the ’150 patent”), and claims 1, 10, and 19 of U.S. Patent No. 12,246,539 (“the ’539 patent”) (collectively, the “Asserted Patents”).

The Commission has determined to issue a general exclusion order (“GEO”) prohibiting the importation of certain ink cartridges and components thereof that infringe the Asserted Patents, and cease and desist orders (“CDOs”) against two respondents: Mountain Peak, Inc. (“Mountain Peak”) of City of Industry, California; and Straightouttink, LP (“Straightouttink”) of San Jose, California. The Commission finds that the public interest will not be adversely affected by the issuance of the GEO and CDOs. The Commission has determined to set a bond in the amount of 100 percent (100%) of entered value of infringing articles imported during the period of Presidential review.

This opinion sets forth the Commission’s reasoning in support of its determination. The Commission affirms and adopts the ID’s findings, conclusions, and supporting analysis that are not inconsistent with the Commission’s opinion.

II. BACKGROUND

A. Procedural Background

The Commission instituted this investigation on June 17, 2025, based upon a complaint filed on behalf of Epson Portland Inc. (“EPI”) of Hillsboro, Oregon, Epson America, Inc. (“Epson America”) of Los Alamitos, California, and Seiko Epson Corporation (“SEC”) of Nagano, Japan (collectively, “Complainants”). 90 Fed. Reg. 25643-44 (June 17, 2025). The complaint, as supplemented, 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 ink cartridges and components thereof by reason of the infringement of certain claims of the Asserted Patents. *Id.* at 25643. The complaint, as supplemented, further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337. *Id.*

The Commission’s notice of investigation named as respondents: Dongguan Ocbestjet Digital Technology Co., Ltd. d/b/a Ocbestjet (“Dongguan Ocbestjet”) of Guangdong, China; Ocbestjet Printer Consumables (HK) Co., Ltd., d/b/a Ocbestjet (“Ocbestjet HK”) of Hong Kong; Tatrix International China Co., Ltd. (“Tatrix”) of Guangdong, China; Luozhi Trading Co., Ltd. (“Luozhi Trading”) of Guangdong, China; Shenzhen Hongxinyuan E-Commerce Co., Ltd., d/b/a Jianjai, d/b/a Vi-US of Guangdong, China; Shenzhen Kaizhen Technology Co., Ltd., d/b/a PayForLess (“Kaizhen Tech.”) of Guangdong, China; Zhuhai Zhenyang Electronics Co., Ltd., d/b/a Oinkwere (“Zhenyang Elec.”) of Guangdong, China; Shangrao Shixuan E-Commerce Co., Ltd., d/b/a Inkgo of Jiangxi, China; Zhuhai Hengyunda Electronics Co., Ltd., d/b/a Upriin (“Hengyunda Elec.”) of Guangdong, China; Zhuhai Rongtaida Electronics Co., Ltd., d/b/a Hookink (“Rongtaida Elec.”) of Guangdong, China;

PUBLIC VERSION

Zhuhai Shi Wei Tai Electronics Co., Ltd., d/b/a Ondula-A (“Shi Wei Tai Elec.”) of Guangdong, China; Zhuhai Yixing Electronics Co., Ltd., d/b/a Greenjob USSOP (“Yixing Elec.”) of Guangdong, China; Mei Jin Technology HK Co., Ltd., d/b/a YBFeir, d/b/a MJing (“Mei Jin Tech.”) of Hong Kong; ZhuHai MeiJiAn Trading Co., Ltd., d/b/a HaloFox (“MeiJiAn Trading”) of Guangdong, China; Qiong Wang, d/b/a 7-magic of Guangdong, China; Shen Zhen Sailing Technology Limited, d/b/a Triple-Color of Shenzhen, China; Zhuhai Shuofeng E-commerce Co., Ltd., d/b/a super-ink-club (“Shuofeng E-commerce”) of Guangdong, China; Zhuhai Bowang Technology Co., Ltd., d/b/a office-print-club (“Bowang Tech.”) of Guangdong, China; Mountain Peak d/b/a/Billiontree Technology USA, Inc., d/b/a TonerKingdom; and Straightouttaink d/b/a discountinkllc, d/b/a einkshop2014. *Id.* at 25643-44. The Office of Unfair Import Investigations (“OUII”) is also a party to this investigation. *Id.* at 25644.

Respondents Tatrix, Zhenyang Elec., Hengyunda Elec., Rongtaida Elec., Shi Wei Tai Elec., Yixing Elec., Mei Jin Tech., Mountain Peak, Straightouttaink, Dongguan Ocbestjet, Ocbestjet HK, Luozi Trading, Kaizhen Tech., MeiJiAn Trading, Shuofeng E-commerce, and Bowang Tech. were found in default (collectively, the “Defaulting Respondents”). Order No. 10 (Sept. 30, 2025), *unreviewed by* Comm’n Notice (Dec. 5, 2025); Order No. 13 (Dec. 16, 2025), *unreviewed by* Comm’n Notice (Jan. 8, 2026). Respondents Shenzhen Hongxinyuan E-Commerce Co., Ltd., Shangrao Shixuan E-Commerce Co., Ltd., Shen Zhen 2 Sailing Technology Limited, and Qiong Wang were terminated from the investigation based on withdrawal of the complaint. Order No. 12 (Dec. 16, 2025), *unreviewed by* Comm’n Notice (Jan. 7, 2026).

PUBLIC VERSION

Claims 1, 4, 14, 16-17, and 23 of the '347 patent, claims 1, 3, 9, 12, 14, and 19 of the '508 patent, claims 9 and 10 of the '037 patent, claims 9-11 and 19-20 of the '150 patent, and claims 2, 9, 11, 18, 20, and 27 of the '539 patent were terminated from the investigation based on withdrawal of the complaint. Order No. 14 (Dec. 18, 2025), *unreviewed by* Comm'n Notice (Jan. 8, 2026).

On February 3, 2026, Complainants filed a motion for summary determination of violation by the Defaulting Respondents by reason of infringement of claims 8, 11, and 20 of the '037 patent, claims 7 and 17 of the '508 patent, claim 1 of the '037 patent, claim 1 of the '150 patent, and claims 1, 10, and 19 of the '539 patent. The motion for summary determination ("MSD") included a memorandum in support ("MSD Memo."), witness declarations from Ryan N. Herrington ("Herrington Decl."), Gerald M. Murch ("Murch Decl."), Jamie C. Ramsey ("Ramsey Decl."), and Brian W. Seitz ("Seitz Decl."), and numerous exhibits ("MSD Exhibits"). On February 13, 2026, OUII filed a response in support of Complainants' motion ("OUII Resp.").

On May 15, 2026, the ALJ issued the ID (Order No. 16) granting the motion for summary determination, which included a recommended determination ("RD") recommending issuance of a general exclusion order ("GEO") and cease and desist orders ("CDOs"). No petitions for review were filed.

On July 1, 2026, the Commission determined to review the ID with respect to indirect infringement and the domestic industry requirement. 91 Fed. Reg. 41659-60 (July 7, 2026). The Commission solicited briefing from the parties regarding the domestic industry requirement and also solicited submissions regarding remedy, the public interest, and bonding. *Id.*

PUBLIC VERSION

The parties filed opening submissions on July 15, 2026. Complainants' Opening Submission in Response to the Commission's July 1, 2026 Notice ("Comp. Subm."); Opening Submission of the Office of Unfair Import Investigations in Response to the Commission's July 1, 2026 Notice ("OUII Subm."). OUII filed a reply submission on July 22, 2026. Reply Submission of the Office of Unfair Import Investigations to the Commission's July 1, 2026 Notice ("OUII Reply"). Complainants filed a reply submission on July 23, 2026. Complainants' Reply in Support of Response to Commission Request for Briefing ("Comp. Reply").

B. The Parties

1. Complainants

Complainants SEC, EPI, and Epson America are related entities. *See* ID at 3-4. SEC is a Japanese corporation and is the assignee and owner of the Asserted Patents. *Id.* at 4 (citing Complaint ¶ 3). EPI is an Oregon corporation and is a wholly owned subsidiary of SEC that holds an exclusive license from SEC to manufacture ink cartridges in the United States. *Id.* at 3 (citing Complaint ¶¶ 3-4). Epson America is a California corporation that has an exclusive license from SEC to market and sell ink cartridges in the United States. *Id.* (citing Complaint ¶ 5).

2. Defaulting Respondents

There are sixteen Defaulting Respondents remaining in the investigation: Tatrix, Zhenyang Elec., Hengyunda Elec., Rongtaida Elec., Shi Wei Tai Elec., Yixing Elec., Mei Jin Tech., Mountain Peak, Straightouttaink, Dongguan Ocbestjet, Ocbestjet HK, Luozhi Trading, Kaizhen Tech., MeiJiAn Trading, Shuofeng E-commerce, and Bowang Tech. ID at 4-7. Ocbestjet HK and Mei Jin are Hong Kong companies. *Id.* at 4-6. Dongguan Occbestjet,

PUBLIC VERSION

Tatrix, Kaizhen Tech., Zhenyang Elec., Yixing Elec., Shuofeng E-Commerce, Bowang Tech., Louizhi Trading, Hengyunda Elec., Rongtaida Elec., Shi Wei Tai Elec., and MeiJiAn Trading are Chinese companies. *Id.* Mountain Peak is a California corporation and Straightouttink is a California limited partnership. *Id.* at 6. Dongguan Ocbestjet and Ocbestjet HK are related entities, and Mountain Peak is affiliated with Mei Jin and MeiJiAn Trading. *Id.* at 4, 6.

C. Asserted Patents

The '347 patent and the '508 patent are both entitled “Recording Material Delivery System for Recording Material-Consuming Apparatus; Circuit Board; Structural Body; and Ink Cartridge,” and share a common specification. *ID* at 36-37; *see* MSD Exhibit 1 ('347 patent); MSD Exhibit 2 ('508 patent). Complainants assert claims 8, 11, and 20 of the '347 patent and claims 7 and 17 of the '508 patent. *See ID* at 40-41, 73-74.

The '037 patent, '150 patent, and '539 patent are entitled “Device, Board, Liquid Accommodation Container, and Printing System,” and share a common specification. *ID* at 37-38; *see* MSD Exhibit 3 ('037 patent); MSD Exhibit 4 ('150 patent); MSD Exhibit 5 ('539 patent). Complainants assert claim 1 of the '037 patent, claim 1 of the '150 patent, and claims 1, 10, and 19 of the '539 patent. *See ID* at 88, 97-98, 105-06.

D. Products at Issue

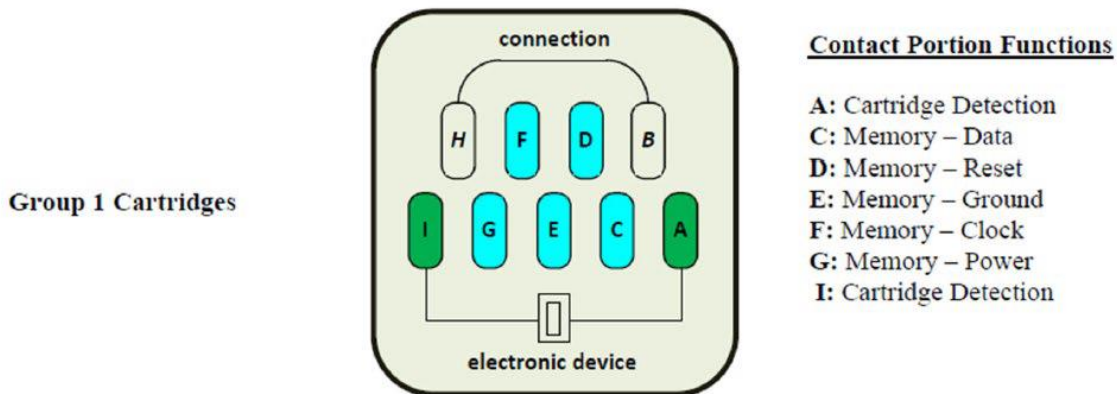
The products at issue in the investigation are “ink jet cartridge products and components thereof for use in Epson ink jet printers.” Notice of Investigation, 90 Fed. Reg. at 25643. The ink jet cartridge products fall into three distinct groups that are compatible with different printer models, identified by the Complainants as “Group 1,” “Group 2,” and “Group 3.” *See ID* at 7-9. Each ink jet cartridge group is identified by the arrangement of

PUBLIC VERSION

terminals and contact portions that enable electrical communication between a cartridge and a printer, and the cartridges are designated with numerical trademarks that indicate their compatibility with specific printer models. *Id.* The domestic industry products (“DI Products”) are Epson ink jet cartridges, and the products accused of infringement (“Accused Products”) are ink jet cartridges and components thereof imported and/or sold by the Defaulting Respondents with similar characteristics as the DI Products. *Id.* at 7-27.

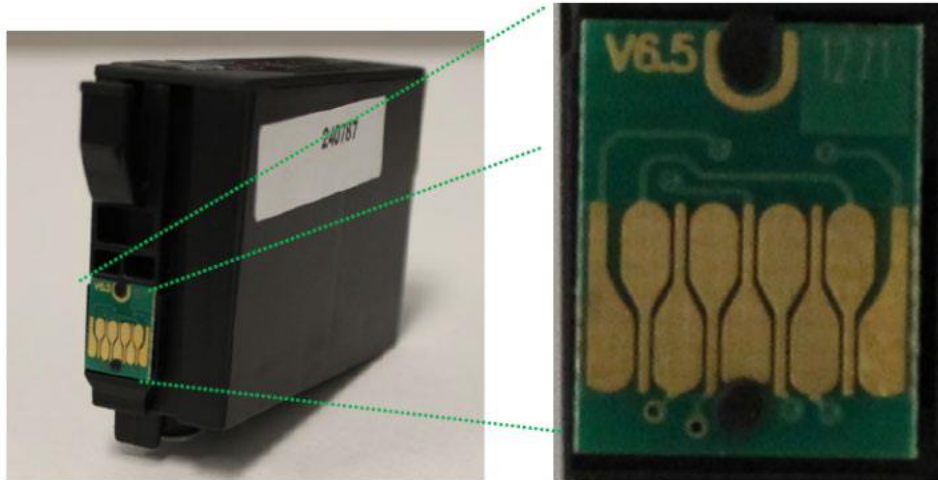
1. Group 1 Cartridges

The Group 1 cartridges are characterized by an arrangement of five contact portions in a bottom row and two or four contact portions in a top row. *See ID* at 10-12.

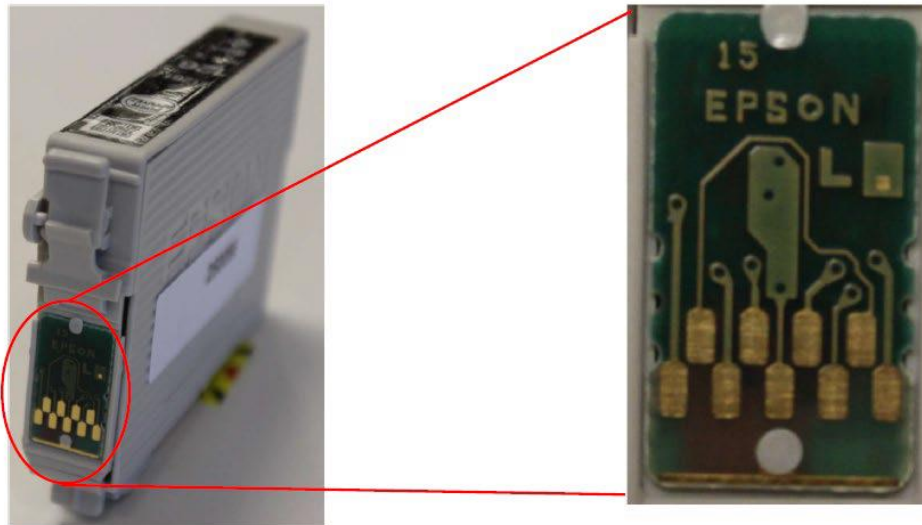


Id. (citing MSD Memo. at 35). The Group 1 cartridges work with certain Epson Stylus, SureColor, and WorkForce printers, and they have numerical trademarks 124, 125, 126, 127, 157, 159, 653, 676, 711, 913, and 55V. *Id.* (citing MSD Memo. at 31; OUII Resp. at 10). Respondents Mountain Peak, Mei Jin, MeiJiAn Trading, and Straightouttaintank have sold Group 1 cartridges and these products are accused of infringing the asserted claims of the ’347 patent and ’508 patent. *Id.* at 10 (citing MSD Memo. at 83); *see also* MSD Memo. at 84. An exemplary photograph of an accused Group 1 cartridge is below:

PUBLIC VERSION



Id. at 11 (citing Murch. Decl. Ex. 12 at 4). An exemplary photograph of an Epson Group 1 cartridge is below:



Genuine Epson Group 1 Cartridge (Control # 250086)
for a WorkForce WF-7520 printer (a Group 1 Printer)

Enlarged view of printed circuit board
showing the cartridge's 9 terminals

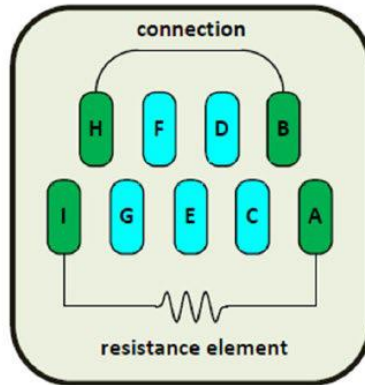
Id. at 21-22 (citing MSD Memo. at 33).

2. Group 2 Cartridges

The Group 2 cartridges are characterized by an arrangement of five contact portions in a bottom row and four contact portions in a top row. *See* ID at 13-18.

PUBLIC VERSION

Group 2 Cartridges

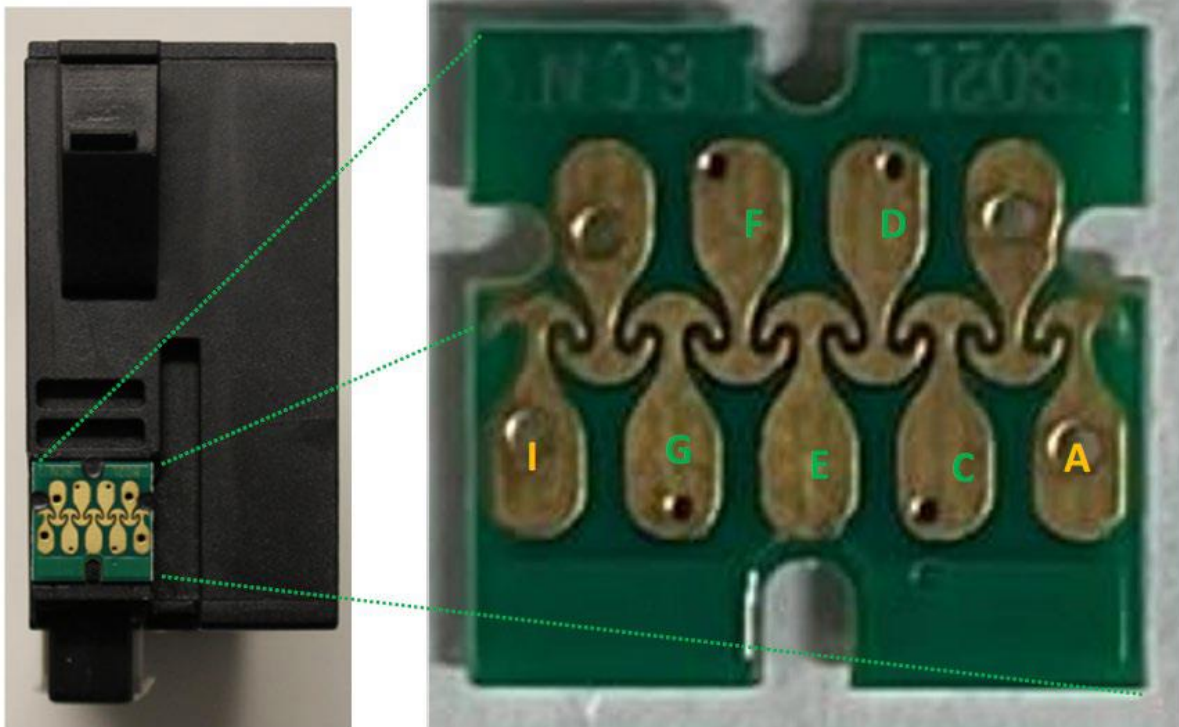


Contact Portion Functions

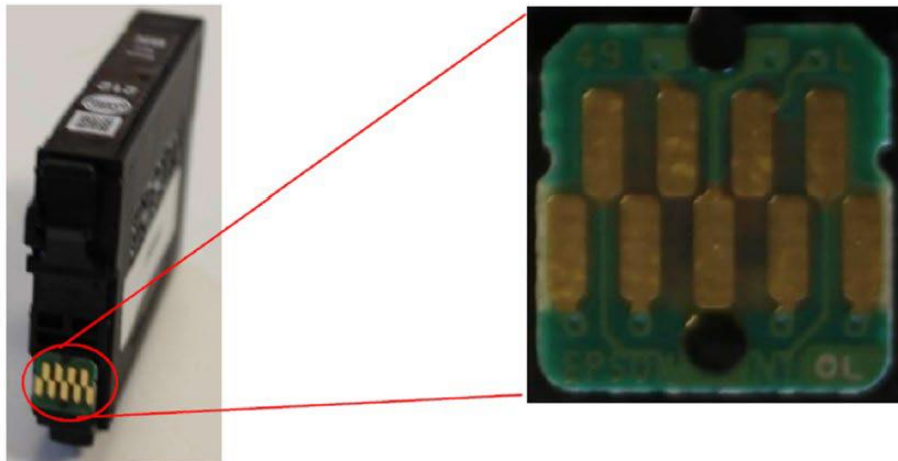
- A: Cartridge Detection
- B: Cartridge Detection
- C: Memory – Data
- D: Memory – Clock
- E: Memory – Ground
- F: Memory – Reset
- G: Memory – Power
- H: Cartridge Detection
- I: Cartridge Detection

Id. (citing MSD Memo. at 42). The Group 2 cartridges work with certain Epson ColorWorks, Expression, Monna Lisa, SureColor, and WorkForce printers, and they have more than one hundred different numerical trademarks. *Id.* (citing MSD Memo. at 36-38; OUII Resp. at 11-12). All of the Defaulting Respondents have sold Group 2 cartridges, and these products are accused of infringing the asserted claims of the '347 patent and '508 patent. *Id.* at 10 (citing MSD Memo. at 83); *see also* MSD Memo. at 84. An exemplary photograph of an accused Group 2 cartridge is below:

PUBLIC VERSION



ID at 17 (citing Murch. Decl. Ex. 30 at 6). An exemplary photograph of an Epson Group 2 cartridge is below:



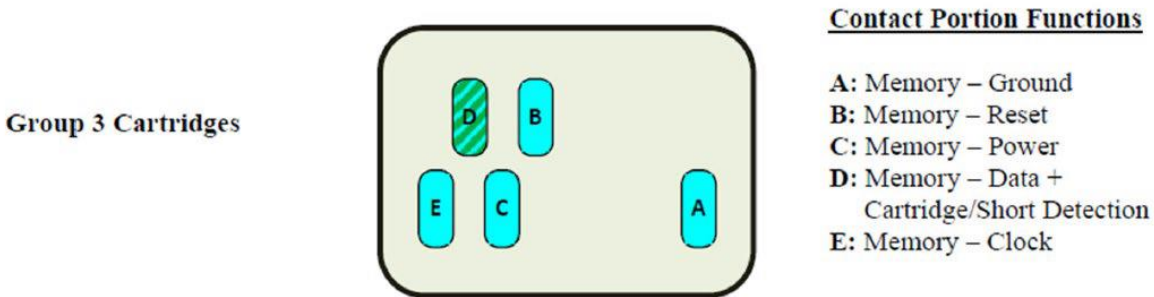
Genuine Epson Group 2 Cartridge (Control # 250064)
for a WorkForce WF-2830 printer (a Group 2 Printer)

Enlarged view of printed circuit board
showing the cartridge's 9 terminals

Id. at 24 (citing MSD Memo. at 39).

3. Group 3 Cartridges

The Group 3 cartridges are characterized by an arrangement of three contact portions in a bottom row and two contact portions in a top row. *See* ID at 18-20.



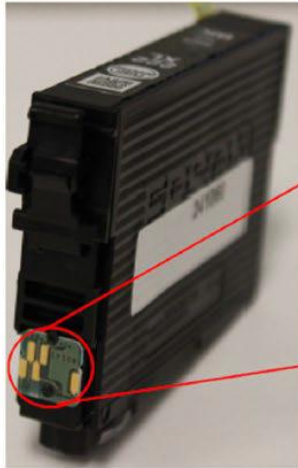
Id. (citing MSD Memo. at 46). The Group 3 cartridges work with certain Epson Expression and WorkForce printers, and they have numerical trademarks 222, 232, 240, 10S, 10W, 10Y, 11J, 12G, 12H, 12J, 12N, and 12P. *Id.* (citing MSD Memo. at 43; OUII Resp. at 12).

Respondents Kaizhen Tech, Hengyunda Elec., Mountain Peak, and Straightouttaintank have sold Group 3 cartridges, and these products are accused of infringing the asserted claims of the '037 patent, '150 patent, and '539 patent. *Id.* at 10 (citing MSD Memo. at 83); *see also* MSD Memo. at 84. Exemplary photographs of an accused Group 3 cartridge are below:

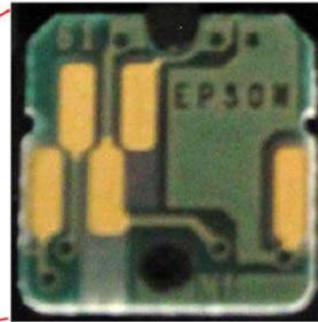


PUBLIC VERSION

See Murch. Decl. Ex. 92. An exemplary photograph of an Epson Group 3 cartridge is below:



Genuine Epson Group 3 Cartridge (Control # 241060)
for an Expression XP-5200 printer (a Group 3 Printer)



Enlarged view of printed circuit board
showing the cartridge's 5 terminals

ID at 26 (citing MSD Memo. at 44).

4. Ink Cartridge Components

The components accused of infringement are one-time use printed circuit boards (“PCBs”) that can be combined with refillable ink cartridge bodies to form Group 2 ink cartridges. *Id.* at 20. Exemplary photographs of the accused PCBs are below, alongside empty ink cartridge bodies:



PUBLIC VERSION

See Seitz Decl. ¶ 57, Ex. 1.26. Respondents Ocbestjet Group and Tatrix have sold the accused PCBs, and they are accused of indirectly infringing the asserted claims of the '347 patent and '508 patent. See ID at 71-72, 86-87.

III. COMMISSION REVIEW OF THE ID

When the Commission reviews an initial determination, in whole or in part, it reviews the determination *de novo*. *Certain Electronic Stud Finders, Metal Detectors and Electrical Scanners*, Inv. No. 337-TA-1221, Comm'n Op. at 9 (Feb. 15, 2022) (citations omitted), *aff'd*, *Zircon Corp. v. ITC*, 101 F.4th 817 (Fed. Cir. 2024). Upon review, the "Commission has 'all the powers which it would have in making the initial determination,' except where the issues are limited on notice or by rule." *Certain Electronic Devices, Including Streaming Players, Televisions, Set Top Boxes, Remote Controllers, and Components Thereof*, Inv. No. 337-TA-1200, Comm'n Op. at 7 (Nov. 10, 2021) (citations omitted), *aff'd*, *Roku, Inc. v. ITC*, 90 F.4th 1367 (Fed. Cir. 2024). With respect to the issues under review, "the Commission may affirm, reverse, modify, vacate, or remand for further proceedings, in whole or in part, the initial determination of the administrative law judge." 19 C.F.R. § 210.45(c). The Commission also "may take no position on specific issues or portions of the initial determination," and "may make any finding or conclusions that in its judgment are proper based on the record in the proceeding." *Id.*; see also *Beloit Corp. v. Valmet Oy*, 742 F.2d 1421, 1423 (Fed. Cir. 1984).

IV. INDIRECT INFRINGEMENT

The Commission determined to review the ID's findings on indirect infringement but determined not to review any other findings related to infringement. See 91 Fed. Reg.

PUBLIC VERSION

41659-60. As discussed below, the Commission has determined to affirm the ID's determination of indirect infringement with supplemental findings.

The ID found that Ocbestjet Group and Tatrix indirectly infringe the asserted claims of the '347 patent and the '508 patent based on their sale of PCBs that are combined with Epson-compatible refillable ink cartridge bodies to form Group 2 cartridges. ID at 71-72, 86-87. The ID found that Ocbestjet Group and Tatrix had knowledge of the Asserted Patents because Epson's products are marked with patent numbers, either directly or virtually, and respondents were served with copies of the Complaint. *Id.* (citing MSD Memo. at 49, 95-56). The ID found that there was no substantial non-infringing use for the components, which are specifically designed to be combined with refillable ink cartridge bodies to form Group 2 cartridges. *Id.* (citing Seitz Decl. ¶¶ 290-93, 295, 297-99; Murch Decl. ¶¶ 119-23).

The Commission has determined to supplement the ID's indirect infringement analysis by finding that Ocbestjet Group and Tatrix indirectly infringe the Asserted Patents based on their contributory infringement. Contributory infringement is defined by 35 U.S.C. § 271(c),¹ which "requires proof that (1) the [respondent/defendant] had 'knowledge of the patent in suit,' (2) the [respondent/defendant] had 'knowledge of patent infringement,' and (3) the accused product is not a staple article or commodity of commerce suitable for a substantial noninfringing use." *Bio-Rad Lab'ys, Inc. v. Int'l Trade Comm'n*, 998 F.3d 1320,

¹ 35 U.S.C. § 271(c) states: "Whoever offers to sell or sells within the United States or imports into the United States a component of a patented machine, manufacture, combination or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use, shall be liable as a contributory infringer." As described in the ensuing paragraph, the Commission finds that these requirements are satisfied for the reasons set forth on pages 71-72 and 86-87 of the ID.

PUBLIC VERSION

1335 (Fed. Cir. 2021) (quoting *Commil USA, LLC v. Cisco Sys., Inc.*, 575 U.S. 632, 639 (2015)). The ID’s findings regarding the two respondents’ knowledge of the Asserted Patents and the use of the imported PCBs for infringement meet the requirements for contributory infringement. *See* ID at 71-72, 86-87. With this supplemental reasoning, the Commission affirms the ID’s determination that Ocbestjet Group and Tatrix indirectly infringe the asserted claims of the ’347 patent and the ’508 patent.

V. DOMESTIC INDUSTRY

The Commission determined to review the ID’s findings on the economic prong of the domestic industry requirement and solicited additional briefing from the parties on this issue. *See* 91 Fed. Reg. 41659-60. As discussed below, the Commission affirms the ID’s determination that the economic prong is satisfied with modified reasoning and supplemental findings.

A. Legal Standards

In patent-based proceedings under section 337, the complainant bears the burden of establishing that an industry “relating to the articles protected by the patent . . . exists or is in the process of being established” in the United States. 19 U.S.C. § 1337(a)(2); *see also John Mezzalingua Assocs., Inc. v. Int’l Trade Comm’n*, 660 F.3d 1322, 1331 (Fed. Cir. 2011). The domestic industry requirement of section 337 is often described as having a “technical prong” and an “economic prong.” *InterDigital Commc’ns, LLC v. Int’l Trade Comm’n*, 707 F.3d 1295, 1298 (Fed. Cir. 2013). “The technical prong concerns whether complainant practices at least one claim of the asserted patents. The economic prong concerns domestic activities with respect to the patent or patented article.” *Certain Printing and Imaging*

PUBLIC VERSION

Devices and Components Thereof, Inv. No. 337-TA-690, Comm’n Op. at 25, USITC Pub. No. 4289 (Nov. 2011).

To satisfy the economic prong of the domestic industry requirement, complainants must show that “an industry in the United States, relating to the articles protected by the patent, copyright, trademark, mask work, or design concerned, exists or is in the process of being established.” 19 U.S.C. § 1337(a)(2). “[A]n industry is considered to exist if there is in the United States, with respect to the articles protected by the patent, copyright, trademark, mask work, or design concerned—

(A) significant investment in plant and equipment;

(B) significant employment of labor or capital; or

(C) substantial investment in its exploitation, including engineering, research and development, or licensing.”

19 U.S.C. § 1337(a)(3). Given that these criteria are listed in the disjunctive, parties need only satisfy one of sub-prongs (A), (B), or (C) to meet the economic prong of the domestic industry requirement. *Roku, Inc. v. Int’l Trade Comm’n.*, 90 F.4th 1367, 1370 n.1 (Fed. Cir. 2024). The determination of whether investments are significant “cannot hinge on a threshold dollar value or require a rigid formula; rather, the analysis requires a holistic review of all relevant considerations that is very context dependent.” *Wuhan Healthgen v. Int’l Trade Comm’n*, 127 F.4th 1334, 1339 (Fed. Cir. 2025).

B. The ID’s Findings

The ID found that Complainants satisfied the economic prong of the domestic industry requirement under sub-prongs (A) and (B) of section 337(a)(3) based on

PUBLIC VERSION

investments related to the domestic manufacturing and packaging of the DI Products. ID at 123-33.

1. Plant and Equipment Expenditures

Pursuant to section 337(a)(3)(A), the ID considered plant and equipment expenditures at a facility in Hillsboro, Oregon, where EPI manufactures and packages DI Products. ID at 124-28. The ID relied on an analysis of business records presented by Jaime Ramsey, the Director of General Affairs and Administration and Assistant Corporate Secretary of EPI. *Id.* (citing Ramsey Decl. Ex. B); *see* Ramsey Decl. ¶ 1. Complainants' asserted plant and equipment investments were the expenditures categorized in EPI's records as "Depreciation, Utilities, Rent, Maintenance/Repair, Property Taxes, and Insurance." *Id.* (citing Ramsey Decl. ¶ 15, Exhibit B). Mr. Ramsey allocated EPI's manufacturing expenditures by the number of DI Products manufactured in proportion to the total number of ink cartridges (including non-DI Products) manufactured by EPI. *Id.* (citing Ramsey Decl. ¶ 18, Ex. C). He performed a similar allocation for EPI's packaging expenditures. *Id.* (citing Ramsey Decl. ¶ 19, Ex. D). The ID relied on these allocations to recognize total plant and equipment expenditures in the time period January 2023 through June 2025 of approximately [REDACTED] [REDACTED] for the Group 1 and Group 2 cartridges practicing the '347 and '508 patents, and approximately [REDACTED] for the Group 3 cartridges practicing the '037, '150, and '539 patents. *Id.* at 128.

2. Labor Expenditures

Pursuant to section 337(a)(3)(B), the ID considered labor expenditures related to manufacturing and packaging at the EPI facility. *Id.* at 128-30. Complainants represented that EPI had [REDACTED] employees in the United States with between [REDACTED] employees

PUBLIC VERSION

performing work related to the manufacturing and packaging of ink cartridges. *Id.* (citing MSD Memo. at 108-09; Ramsey Decl. ¶ 11). Complainants’ asserted labor investments were categorized in EPI’s records as “Labor” and “Salaries/Wages.” *Id.* (citing Ramsey Decl. ¶ 16). Mr. Ramsey allocated these expenses using the same methodology employed for plant and equipment. *Id.* (citing Ramsey Decl. ¶¶ 18-19). The ID recognized total labor expenditures in the time period January 2023 through June 2025 of approximately [REDACTED] [REDACTED] for the Group 1 and Group 2 cartridges practicing the ’347 and ’508 patents, and approximately [REDACTED] for the Group 3 cartridges practicing the ’037, ’150, and ’539 patents. *Id.* at 128.

3. Significance of Domestic Industry Expenditures

The ID found the asserted domestic industry expenditures to be significant based on the importance of the domestic manufacturing and packaging activities to EPI’s business and the DI Products. ID at 130-32. As part of “a holistic review of the record,” the ID recognized that the DI Products are “a relatively large portion of EPI’s overall business,” that “EPI solely exists in the United States to manufacture and package Epson designed printers and ink cartridges,” and “[w]ithout [EPI’s] investments, there would not be a saleable product in the U.S.” *Id.* at 130-31 (citing MSD Memo. at 111; Herrington Decl. ¶¶ 63-65). The ID found that the domestic industry investments were quantitatively significant by recognizing that “EPI packages [REDACTED] of the DI Products in the United States” and the “vast majority” of the DI Products are manufactured by EPI in the United States. *Id.* at 130-32. The ID acknowledged that Complainants did not specifically quantify the proportion of DI Products that are made in the United States but relied on representations from Mr. Ramsey that “EPI packages [REDACTED] of the DI Products in the United States” and the “vast majority” of

PUBLIC VERSION

DI Products are manufactured by EPI in the United States. *Id.* (citing Herrington Decl. ¶¶ 70-71 76-77). The ID recognized that the Commission has found the domestic industry requirement to be satisfied in cases where a majority of the complainant’s manufacturing of DI products occurred in the United States. *Id.* at 131-32. The ID concluded that “based on a holistic review of the record,” the asserted domestic industry investments were significant. *Id.* at 132. The ID recognized that Complainants had presented an alternative theory of significance based on a comparison between the asserted domestic industry expenditures and EPI’s total costs associated with the DI Products, which had formed the basis for another ALJ’s domestic industry finding in an investigation with the same complainants and overlapping products at issue. *Id.* at 132-33 n.20 (referencing *Certain Ink Cartridges & Components Thereof II*, Inv. No. 337-TA-1452, Order No. 16 (Mar. 24, 2026)).² In a footnote, the ID recited the record evidence regarding Complainants’ additional theory of significance stating that the ALJ “agree[d] that significance can be found on that basis.” *Id.*

C. Analysis

The Commission affirms the ID’s determination that Complainants meet the economic prong of the DI requirement under sub-prong (B) of section 337(a)(3) with modified reasoning and supplemental findings as set forth below. The Commission has determined to take no position on the ID’s findings regarding sub-prong (A) of section 337(a)(3).³

² The Commission affirmed the determination in this investigation with modified analysis. *Cartridges & Components Thereof II*, Inv. No. 337-TA-1452, Comm’n Op. (Sept. 9, 2026).

³ The Commission notes that Complainants indicated that EPI made plant and equipment investments from 2015 to 2024 directed in part to some DI Products, but that Complainants limited their analysis to a shorter 2.5 year period prior to the filing of the complaint. MSD at 101-08. Recognizing that plant and equipment investments can involve sizeable upfront costs

PUBLIC VERSION

As an initial matter, the Commission adopts the allocations for EPI's domestic labor investments that were recognized in the ID. *See* ID at 128-30. The amounts for these investments were not disputed and are supported by substantial evidence in the record. The ID relied on the financial data provided by Complainants for the period January 2023 to June 2025. *Id.* The total qualifying labor investments recognized in the ID were [REDACTED] for the Group 1 and Group 2 DI Products practicing the '347 and '508 patents, and [REDACTED] for the Group 3 DI Products practicing the '037, '150, and '539 patents. *Id.* at 128-29.

The Commission finds that these domestic industry investments are significant under sub-prong (B) of section 337(a)(3) based on a "holistic review of all relevant considerations." *Wuhan Healthgen v. Int'l Trade Comm'n*, 127 F.4th at 1339. The Commission adopts the ID's findings regarding the importance of Complainants' domestic industry activities to their business, ID at 130-31, but the Commission has determined to modify the ID's analysis regarding the significance of Complainants' manufacturing and packaging investments. *See id.* at 131-32 (addressing "quantitative significance"). In particular, the Commission affirms the ID's finding that Complainants' domestic industry investments are significant because the vast majority of DI Products are manufactured in the United States with supplemental evidence, as discussed below. As part of its significance determination, the Commission has also considered the amount of labor expenditures viewed in the context of EPI's total costs for making and selling the DI Products. *See id.* at 132-33 n.20. The Commission has

but also ebb and flow over time, the Commission would have been willing to consider evaluating a full-record, including significance, based on the 2015-to-2024 time period had Complainants presented evidence of allocated investments and arguments as to their significance. That analysis, however, is unnecessary here given that the Commission has found satisfaction of the domestic industry requirement under subsection (B).

PUBLIC VERSION

determined to take no position on the other theories asserted by Complainants to demonstrate significance. *See* ID at 131.

The ID recognized a statement by an EPI employee that “the vast majority of the Domestic Industry Products are manufactured by EPI in the United States.” *See* ID at 131 (citing Herrington Decl. ¶¶ 71, 77); *see also* Ramsey Decl. ¶ 18. The Commission has determined to supplement this finding with additional evidence identified by Complainants on review comparing the number of DI Products manufactured by EPI and the number of DI Products packaged by EPI, which provides a “reasonable estimate” for the proportion of DI Products that are manufactured in the United States “because EPI packages [REDACTED] of the DI Products manufactured globally.” Comp. Init. Subm. at 3-4. Complainants estimate that [REDACTED] of the Group 1 and Group 2 DI Products practicing the ’347 and ’508 patents are manufactured in the United States; and close to [REDACTED] of the Group 3 DI Products practicing the ’037, ’150, and ’539 patents are manufactured in the United States. *Id.* These estimates corroborate Complainants’ contention that the “vast majority” of DI Products are manufactured domestically, and this shows the significance of the asserted domestic labor expenditures. *See Certain Toner Supply Containers and Components Thereof (I)*, Inv. No. 337-TA-1259, Comm’n Op. at 11-12 (Aug. 19, 2022) (finding the economic prong of the DI requirement satisfied where the complainant domestically manufactured the “overwhelming majority” of the DI products sold in the United States); *Certain Power Converter Modules & Computing Sys. Containing the Same*, Inv. No. 1370, Comm’n Op. at 95-96 (Feb. 26, 2025) (finding the economic prong of the DI requirement satisfied where “all” of complainant’s manufacturing and engineering, research, and development took place in the United States).

PUBLIC VERSION

The Commission also finds that considering the asserted domestic industry investments in the context of EPI's total costs for the DI Products supports the ID's determination that these investments are significant. The ID cited Mr. Herrington's calculations that the asserted labor expenditures under sub-prong (B) were █████ of total costs for the Group 1 and Group 2 cartridges practicing the '347 and '508 patents and █████ of total costs for the Group 3 cartridges practicing the '037, '150, and '539 patents. *See* ID at 132-33 n.20. The Commission has considered this additional evidence and finds that it is consistent with a finding of significance under sub-prong (B) of section 337(a)(3) under the "holistic analysis" standard set forth in *Wuhan Healthgen*. 127 F.4th at 1339.

Accordingly, the Commission finds that Complainants meet the economic prong of the DI requirement under sub-prong (B) of section 337(a)(3).

VI. REMEDY, THE PUBLIC INTEREST, AND BONDING

Having found a violation, the Commission has determined to (1) issue a GEO prohibiting the importation of infringing articles; (2) issue CDOs against respondents Mountain Peak and Straightouttaint; (3) find that the public interest will not be adversely affected by the issuance of the proposed GEO and CDOs; and (4) set a bond in the amount of one hundred percent (100%) of entered value of infringing articles imported during the period of Presidential review.

A. General Exclusion Order

Complainants request the issuance of a GEO, which is supported by the RD and OUII. *See* Comp. Init. Subm. at 20-25; OUII Init. Subm. at 18-25; RD at 133-41.

PUBLIC VERSION

The Commission has the authority to issue a GEO under section 337(g)(2) where, as here, the respondents were found in default and no person appeared to contest the investigation, a violation has been shown by substantial, reliable, and probative evidence, and the requirements of subsection (d)(2) are met. Pursuant to section 337(d)(2), the Commission can issue a GEO where it “is necessary to prevent circumvention of an [LEO];” or “there is a pattern of violation of this section and it is difficult to identify the source of infringing products.” 19 U.S.C. § 1337(d)(2).

The Commission finds that issuance of a GEO is necessary to prevent circumvention of an LEO. Complainants have produced evidence that several of the Defaulting Respondents have continued to sell the infringing products even after the institution of this investigation. RD at 134-35 (citing Herrington Decl. ¶ 90). The Accused Products are sold online through third-party websites, and it is difficult to identify the source of the products. *Id.* at 135 (citing Seitz Decl. ¶¶ 211, 213-15, 217, 270-72). In addition, there is strong demand and low barriers to entry in the printer ink cartridge market. *Id.* at 136-37 (citing Herrington Decl. ¶¶ 99-100, 114).

The Commission further finds that issuance of a GEO is warranted because there is a pattern of violation and it is difficult to identify the source of infringing products. The Accused Products are sold through online platforms that do not disclose seller information. RD at 135-56 (citing Seitz Decl. ¶¶ 284-89, 199-204). Sellers of the Accused Products have used generic packaging, aliases and fake addresses, and the Accused Products are sold through complex distribution channels. RD at 138-39 (citing Herrington Decl. ¶¶ 138-40). Certain of the Defaulting Respondents have changed names and/or addresses to avoid

PUBLIC VERSION

detection. *Id.* at 139-40 (citing Herrington Decl. ¶¶ 142-43; Seitz Decl. ¶¶ 112, 130, 137, 144-45, 168-69, 209, 236, 246, 263).

Accordingly, the Commission has determined to issue a GEO in this investigation prohibiting the importation of certain ink cartridges and components thereof that infringe the Asserted Patents.

B. Cease and Desist Orders

Complainants request CDOs against respondents Mountain Peak and Straightouttink. Comp. Init. Subm. at 25-26. The RD recommended that CDOs issue as to those respondents, and OUII supports this recommendation. RD at 142-43; OUII Init. Subm. at 25-27.

Section 337(f) authorizes the issuance of CDOs to respondents that have been found in violation. 19 U.S.C. § 1337(f). The Commission has issued CDOs where “respondents maintain commercially significant inventory in the United States or have significant domestic operations that could undercut the remedy provided by an exclusion order.” *Certain Liquid Crystal eWriters and Components Thereof*, Inv. No. 337-TA-1035, Comm’n Op. at 4-5 (Sept. 26, 2017). For respondents found in default that are located in the United States, the Commission has inferred the presence of commercially significant inventories and issued CDOs. *See Certain Products Containing Tirzepatide & Products Purporting to Contain Tirzepatide*, Inv. No. 337-TA-1377, Comm’n Op. at 19 (Apr. 17, 2025).

Mountain Peak and Straightouttink are located in California and were found in default on allegations of infringement for Group 1, Group 2, and Group 3 cartridges that infringe claims of each of the Asserted Patents. *See ID* at 42-43, 74-76, 88-89, 97-98, 105-

PUBLIC VERSION

109. Accordingly, the Commission has determined to issue CDOs to Mountain Peak and Straightouttink as to infringement of each of the Asserted Patents.

C. Public Interest

Section 337 requires the Commission, upon finding a violation of section 337, to issue an exclusion order “unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.” 19 U.S.C. §§ 1337(d)(1), (f)(1), (g)(1); *see Certain Exercise Equipment and Subassemblies Thereof*, Inv. No. 337-TA-1419, Comm’n Op. at 19-24 (Aug. 20, 2025) (considering the public interest factors and finding that the public interest will not be adversely affected by issuing the remedy under 19 U.S.C. §§ 1337(g)(1) and (2)).

Complainants and OUII, in their submissions, contend that the public interest factors enumerated in section 337 do not preclude the issuance of the requested GEO and CDOs. *See* Comp. Init. Subm. at 26-29; OUII Init. Subm. at 27-29; OUII Reply Subm. at 6. A third party, Obelisk Tech Systems, Inc. (“Obelisk”), submitted a public interest statement in support of the issuance of a GEO. Public Interest Comment of Obelisk Tech Systems, Inc. in Support of the Recommended General Exclusion Order and Cease and Desist Orders (May 28, 2026) (“Obelisk PI Subm.”).

Based on the record evidence discussed below, the Commission finds the public interest factors of section 337 do not preclude the issuance of the GEO and CDOs.

PUBLIC VERSION

1. The Public Health and Welfare

The Commission finds that the evidence and record presented by the parties does not support a conclusion that the remedies will adversely impact the public health, safety or welfare. *See* Comp. Init. Subm. at 27; OUII Init. Subm. at 27-28. In addition, the Commission in the past has likewise found that the exclusion of similar products would not adversely impact the public health and welfare. *See Toner Supply Containers*, Inv. No. 337-TA-1259, Comm’n Op. at 23-24 (finding no evidence that toner supply containers and components at issue for copy machines are “necessary to fulfill any public health, safety, or welfare needs”).

2. Competitive Conditions in the United States Economy

Complainants and OUII state that competitive conditions in the United States economy will not be affected by the remedies because there is a sufficient supply of replacement articles from Complainants and other competitors. Comp. Init. Subm. at 27-28; OUII Init. Subm. at 28. Third-party Obelisk also submits that there is “substantial U.S. capacity” to supply competitive articles. Obelisk PI Subm. at 3. In consideration of these submissions, the Commission finds no evidence in the record that any remedies would adversely affect competitive conditions in the U.S. economy.

3. The Production of Like or Directly Competitive Articles in the United States

Complainants and OUII further state that the remedies are unlikely to have a significant adverse impact on the production of like or directly competitive articles in the United States. Comp. Init. Subm. at 28; OUII Init. Subm. at 28-29. Complainants explain that rather than adversely affecting domestic production, the remedies will likely “cause

PUBLIC VERSION

Epson’s domestic production (and therefore, overall domestic production) to increase.”

Comp. Init. Subm. at 28. OUII submits that there is no evidence of domestic manufacturing of any infringing products. *See* OUII Init. Subm. at 28-29. In consideration of these submissions, the Commission finds no evidence in the record that remedial orders would have any adverse impact on the production of like or directly competitive articles in the United States.

4. United States Consumers

Complainants and OUII state that the U.S. consumers would not be adversely impacted by the remedies because Epson and its affiliates, as well as third parties, can produce an adequate supply of the ink cartridge products. Comp. Init. Subm. at 28; OUII Init. Subm. at 29. Third-party Obelisk also submits that there is “substantial U.S. capacity” to supply competitive articles. Obelisk PI Subm. at 3. In consideration of these submissions, the Commission finds no evidence in the record that these remedies would adversely affect U.S. consumers.

D. Bonding

If the Commission enters an exclusion order or a cease and desist order, a respondent may continue to import and sell its products during the 60-day period of Presidential review under a bond in an amount determined by the Commission to be “sufficient to protect the complainant from any injury.” 19 U.S.C. § 1337(j)(3); *see also* 19 C.F.R. § 210.50(a)(3). Complainants seek a bond amount of one hundred percent (100%) of the entered value of the covered products based on a lack of pricing information. Comp. Init. Subm. at 29-30. The RD recommended a one hundred percent (100%) bond based on Complainants’ assertion that

PUBLIC VERSION

there was a lack of available pricing information. RD at 141-42. OUII supports the recommendation for a one hundred percent (100%) bond. OUII Init. Subm. at 29-30.

The Commission does not agree that the record in this investigation lacks pricing information. Complainants' investigator, Mr. Seitz, provided detailed pricing information for the infringing products he purchased. *See e.g.*, Seitz Decl. ¶ 40 ("I paid for the order and shipping, which totaled [REDACTED], and the Epson compatible [REDACTED] were later shipped from China to one of my [REDACTED]."); *see, e.g.*, Seitz Decl. ¶¶ 40-51, 55-57, 61-63, 68-73, 78-82, 87-90, 95-96, 101-02, 107-08, 114-15, 121-26, 131-33, 138-40, 146-63, 172-82, 192, 231, 237-42, 247-51, 257-59, 265-67, 273-81 (describing the pricing information for ordering the infringing products). Nevertheless, this pricing information appears to vary across different products and different respondents, and in similar circumstances the Commission has imposed a one hundred percent (100%) bond. *See Certain Exercise Equipment and Subassemblies Thereof*, Inv. No. 337-TA-1419, Comm'n Op. at 24 (Aug. 20, 2025) (imposing a one hundred percent (100%) bond because "there are pricing variations across the infringing products"); *Certain Digital Photo Frames and Image Display Devices and Components Thereof*, Inv. No. 337-TA-807, Comm'n Op. at 15 (Mar. 27, 2013) (imposing a one hundred percent (100%) bond based on "pricing variations" of the infringing products). Accordingly, the Commission sets a bond in the amount of one hundred percent (100%) of entered value of infringing articles imported during the period of Presidential review.

VII. CONCLUSION

For the foregoing reasons, the Commission affirms the ID's finding of violation of section 337 with modified reasoning and supplemental findings. The Commission

PUBLIC VERSION

determines that the appropriate remedy is a GEO prohibiting the importation of infringing ink cartridges and components thereof, and CDOs for respondents Mountain Peak and Straightouttink. The Commission finds that the public interest does not preclude these remedies. The Commission has determined to set a bond in the amount of one hundred percent (100%) of entered value of infringing articles imported during the period of Presidential review.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized, cursive script.

Lisa R. Barton
Secretary to the Commission

Issued: October 9, 2026