INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–391A–393A (Third Review)]

Ball Bearings and Parts Thereof From France, Germany, and Italy;
Termination of Five-Year Reviews


ACTION: Notice.

SUMMARY: The subject five-year reviews were initiated in August 2011 to determine whether revocation of the antidumping duty orders on ball bearings and parts thereof from France, Germany, and Italy would be likely to lead to continuation or recurrence of material injury. The Department of Commerce published notice that it was revoking the order effective September 15, 2011, because “no domestic interested party filed a notice of intent to participate in response to the notice of initiation of the sunset reviews by the applicable deadline.” (76 FR 57019).

Accordingly, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), the subject reviews are terminated.

DATES: Effective Date: September 21, 2011.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 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. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on 202–205–1810.


The complaint further alleges the existence of a domestic industry.


The Commission determined not to review an initial determination terminating the investigation as to Print-Rite based on a settlement agreement. Commission Notice (Jan. 10, 2011) (Order No. 11). The Commission determined to review and affirm several initial determinations finding several

On April 25, 2011, Lexmark filed a motion pursuant to Commission Rule 210.18 (19 CFR 210.18) for summary determination of violation of Section 337 and requesting issuance of a general exclusion order and cease and desist orders against defaulting respondents. On May 5, 2011, the Commission investigative attorney (“IA”) filed a response supporting the motion, on the condition that Lexmark submit the following: (1) A declaration from its expert, Charles Reinholz, averring that the statements in his expert report are true and correct, and (2) a declaration from Andrew Gardner that the accused products do not have any substantial non-infringing uses. Lexmark filed the submissions per the IA’s request.

On June 1, 2011, the ALJ issued an initial determination (Order No. 26) (“ID”) granting Lexmark’s motion for summary determination of violation of Section 337. The ID also contained the ALJ’s recommended determination on remedy and bonding. Specifically, the ALJ recommended issuance of a general exclusion order (“GEO”) and cease and desist orders (“CDOs”) against the defaulting respondents. The ALJ further recommended that the Commission set a bond of 100 percent during the period of Presidential review.

On July 12, 2011, the Commission determined not to review the ID and called for briefing on remedy, the public interest, and bonding. 76 FR 41822–24 (July 15, 2011). On August 1, 2011, Lexmark submitted an initial brief on remedy, the public interest, and bonding, requesting that the Commission issue a GEO and CDOs and set a bond of 100 percent during the period of Presidential review. The brief included a proposed GEO and a proposed CDO. Also on August 1, 2011, the IA submitted an initial brief on remedy, the public interest, and bonding, supporting Lexmark’s request for a GEO and CDOs, as well as a bond of 100 percent. The IA’s brief also included a proposed GEO and a proposed CDO.

The Commission has determined that the appropriate form of relief is the following: (1) A GEO under 19 U.S.C. 1337(d)(2), prohibiting the unlicensed entry of toner cartridges and components thereof that infringe one or more of claim 1 of the ‘032 patent; claims 1–3, 32, 33, 36, and 42 of the ‘169 patent; claims 1 and 2 of the ‘233 patent; claims 1 and 2 of the ‘661 patent; claims 1–3 of the ‘432 patent; claims 1, 2, and 14 of the ‘378 patent; claims 1 and 2 of the ‘291 patent; claims 1, 2, 5, 6, 10, and 15 of the ‘771 patent; claims 1, 2, 7, 10, 11, 14, 15, 17, 22, and 24 of the ‘015 patent; claims 1–3 and 28 of the ‘876 patent; claim 1 of the ‘692 patent; claims 1, 3, 5, 8, and 10 of the ‘031 patent; claims 1 and 6 of the ‘510 patent; claims 11, 12, and 14 of the ‘760 patent; and claims 1, 7, 14, and 15 of the ‘204 patent; and (2) CDOs directed to defaulting domestic respondents E-Toner, Alpha Image, Copy Tech, LTT, Ckr, ACM, Ink Master, Direct Billing, Ink Tech, QCI, JSS, Aeccom, Ninestar Tech, Ziprint, Nano Pacific, and Nectron and defaulting foreign respondents Ninestar, Ninestar Image Int’l, and Seine Image.

The Commission has further determined that the public interest factors enumerated in Section 337(d) (f) (19 U.S.C. 1337(d), (f)) do not preclude issuance of the GEO and the CDOs. The Commission has determined that the bond for temporary importation during the period of Presidential review (19 U.S.C. 1337(j)) shall be in the amount of 100 percent of the value of the imported articles that are subject to the order. The Commission’s orders were delivered to the President and the United States Trade Representative on the day of their issuance.


By order of the Commission.

Issued: September 27, 2011.

James R. Holbein,
Secretary to the Commission.