

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN INKJET CARTRIDGES WITH
PRINTHEADS AND COMPONENTS
THEREOF**

Inv. No. 337-TA-723

**ORDER NO. 7: DENYING RESPONDENT MICROJET TECHNOLOGY CO.,
LTD.'S MOTION FOR TERMINATION AND ENTRY OF
CONSENT ORDER**

(August 18, 2010)

On August 13, 2010, respondent MicroJet Technology Co., Ltd. ("MicroJet") presented a motion for termination of the investigation based on entry of a consent order.

Commission Rule 210.21(c) governs termination of an investigation by entry of a consent order. I find that MicroJet's motion fails to comply with the requirements of 210.21(c).

Specifically, the rule requires the submission of a consent order stipulation. The consent order stipulation must include the following:

- (1) An admission of all jurisdictional facts;
- (2) An express waiver of all rights to seek judicial review or otherwise challenge or contest the validity of the consent order;
- (3) A statement that the signatories to the consent order stipulation will cooperate with and will not seek to impede by litigation or other means the Commission's efforts to gather information under subpart I of this part; and
- (4) A statement that the enforcement, modification, and revocation of the consent order will be carried out pursuant to subpart I of this part, incorporating by reference the Commission's Rules of Practice and Procedure.

19 CFR § 210.21(c)(3)(i)(A).

Furthermore, because this investigation concerns patent infringement, the consent order stipulation must include the following:

- (1) A statement that the consent order shall not apply with respect to any claim of any intellectual property right that has expired or been found or adjudicated invalid or unenforceable by the Commission or a court or agency of competent jurisdiction, provided that such finding or judgment has become final and nonreviewable; and
- (2) A statement that each signatory to the stipulation who was a respondent in the investigation will not seek to challenge the validity of the intellectual property right(s), in any administrative or judicial proceeding to enforce the consent order.

19 CFR § 210.21(c)(3)(i)(B).

MicroJet's consent order stipulation fails to properly include any of these statements.¹ In addition, MicroJet's consent order stipulation is unsigned, meaning there is no "signatory" as required by the Commission Rules. Thus, I find that MicroJet's consent order stipulation does not comply with Commission Rule 210.21(c).

MicroJet's motion also fails to meet certain procedural requirements for filing motions. MicroJet's motion is unsigned, and thus violates Commission Rule 210.4(b). MicroJet's motion fails to include a certificate of service, thus violating Commission Rule 201.16(c)(2) and Ground Rule 3.1. Because there is no certificate of service, it is unclear whether or not MicroJet complied with Commission Rule 201.16(c)(1), which requires service of the motion on the other parties in this investigation. Finally, the Commission's Docket Services office has no record of MicroJet's motion, which indicates that MicroJet did not properly *file* the motion with the Commission.

Because MicroJet's consent order stipulation fails to meet the requirements of Commission Rule 210.21(c) and because MicroJet's motion fails to comply with multiple

¹ While MicroJet's consent order stipulation includes a statement about enforcement, modification, or revocation of the consent order, the statement does not provide the one required by the Commission Rules.

procedural requirements for filing a motion with the Commission, MicroJet's motion is hereby DENIED.

SO ORDERED.




Robert K. Rogers, Jr.
Administrative Law Judge

**CERTAIN INKJET INK CARTRIDGES
WITH PRINTHEADS AND COMPONENTS THEREOF**

Inv. No. 337-TA-723

PUBLIC CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **ORDER** was served upon **Rett Snotherly, Esq.**, Commission Investigative Attorney, and the following parties via first class mail delivery on **AUG 18 2010**


Marilyn R. Abbott, Secretary
U.S. International Trade Commission
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PUBLIC CERTIFICATE OF SERVICE PAGE 2

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PUBLIC CERTIFICATE OF SERVICE PAGE 3

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