

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN INKJET INK SUPPLIES AND
COMPONENTS THEREOF**

Inv. No. 337-TA-730

**ORDER NO. 12: INITIAL DETERMINATION GRANTING COMPLAINANT
HEWLETT-PACKARD COMPANY'S MOTION FOR ENTRY OF
DEFAULT**

(January 13, 2011)

On November 19, 2010, complainant Hewlett-Packard Company ("HP") filed a motion for an order to show cause and default judgment, pursuant to Commission Rule 210.16(b), against each of respondents Shanghai Angel Printer Supplies Co. Ltd. ("Shanghai Angel"), Zhuhai National Resources & Jingjie Imaging Products Co., Ltd. ("Zhuhai National"), Tatrix International ("Tatrix"), Ourway Image Co., Ltd. ("Ourway"), and Shenzhen Print Media Co., Ltd. ("Shenzhen") (collectively "Unresponsive Respondents"), based on each of the Unresponsive Respondents' failure to respond to the Complaint and Notice of Investigation and failure to comply with Order No. 2 and submit discovery statements. (Motion Docket No. 730-005.) HP's motion also requested the issuance of an initial determination finding the Unresponsive Respondents in default upon failure to show cause.

On December 1, 2010, the Commission Investigative Staff ("Staff") filed a response in support of the motion to the extent it seeks an order to show cause for Shanghai Angel, Zhuhai National, Tatrix and Ourway. Staff opposed an order to show cause for Shenzhen because it is unclear whether service of the complaint has been effective.

On December 8, 2010, the ALJ issued Order No. 8 wherein he ordered Shanghai Angel, Zhuhai National, Tatrix and Ourway to show, by the close of business on January 5, 2011, why it should not be found in default for failure to respond to the Complaint and Notice of Investigation pursuant to Rule 210.16 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.16. (See Order No. 8.) As of the date of this order, no responses were received.

Commission Rule 210.16 provides, in pertinent part, as follows:

A party shall be found in default if it fails to respond to the complaint and notice of investigation in the manner prescribed in §210.13 or § 210.59(c), or otherwise fails to answer the complaint and notice, and fails to show cause why it should not be found in default.

19 C.F.R. § 210.16(a)(1). The Commission's Rules further provide that “[a] party found in default shall be deemed to have waived its right to appear, to be served with documents, and to contest the allegations at issue in the investigation.” 19 C.F.R. § 210.16(b)(3). Commission Rule 210.17 states:

Failures to act other than the defaults listed in §210.16 may provide a basis for the presiding administrative law judge or the Commission to draw adverse inferences and to issue findings of fact, conclusions of law, determinations (including a determination on violation of section 337 of the Tariff Act of 1930), and orders that are adverse to the party who fails to act. Such failures include, but are not limited to:

- (a) Failure to respond to a motion that materially alters the scope of the investigation or a related proceeding;
- (b) Failure to respond to a motion for temporary relief pursuant to §210.59;
- (c) Failure to respond to a motion for summary determination under §210.18;
- (d) Failure to appear at a hearing before the administrative law judge after filing a written response to the complaint or motion for temporary relief, or failure to appear at a hearing before the Commission;
- (e) Failure to file a brief or other written submission requested by the administrative law judge or the Commission during an investigation or a related proceeding;

(f) Failure to respond to a petition for review of an initial determination, a petition for reconsideration of an initial determination, or an application for interlocutory review of an administrative law judge's order;

(g) Failure to file a brief or other written submission requested by the administrative law judge or the Commission; and

(h) Failure to participate in temporary relief bond forfeiture proceedings under §210.70.

The presiding administrative law judge or the Commission may take action under this rule sua sponte or in response to the motion of a party.

19 C.F.R. § 210.17. Since the issuance of Order No. 8, Shanghai Angel, Zhuhai National, Tatrix and Ourway have failed to file responses to the Complaint and Notice of Investigation or to the Order to Show Cause and have failed to respond to Order No. 2, including submitting discovery statements.¹

Accordingly, it is the INITIAL DETERMINATION of the ALJ that respondents Shanghai Angel Printer Supplies Co. Ltd.; Zhuhai National Resources & Jingjie Imaging Products Co., Ltd.; Tatrix International; and Ourway Image Co., Ltd. be found to be in default pursuant to 19 C.F.R. §§ 210.16(a)(1) and 210.17. Consequently, these respondents have waived their right to appear, to be served with any further documents, and to contest the allegations at issue in the investigation.

Pursuant to 19 C.F.R. § 210.42(h), this initial determination shall become the determination of the Commission unless a party files a petition for review of the initial determination pursuant to 19 C.F.R. § 210.43(a), or the Commission, pursuant to 19 C.F.R. §

¹ On January 6, 2011, Shenzhen was terminated from the investigation based on HP's withdrawal of allegations against it. (Order No. 11.) That initial determination is still pending before the Commission.

210.44, orders on its own motion a review of the initial determination or certain issues contained herein.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'T. Essex', is written over a horizontal line.

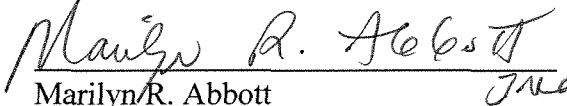
Theodore R. Essex
Administrative Law Judge

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PUBLIC CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **ORDER 12, INITIAL DETERMINATION GRANTING COMPLAINANT HEWLETT-PACKARD COMPANY'S MOTION FOR ENTRY OF DEFAULT** has been served by hand upon, the Commission Investigative Attorney, **Mareesa A. Frederick, Esq.** and the following parties as indicated on **January 13, 2011**.


Marilyn R. Abbott
U.S. International Trade Commission
500 E Street, SW, Room 112A
Washington, D.C. 20436

**On Behalf of Complainants Hewlett-Packard Company
and Hewlett-Packard Development Company, LP:**

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PUBLIC CERTIFICATE OF SERVICE - PAGE 2

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Tatrix International 10 C, Garden Building No. 1083 JiuZhou Road, Jida Zhuhai, Guangdong, China 519015	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Overnight Delivery <input type="checkbox"/> Via First Class Mail <input checked="" type="checkbox"/> International
Ourway Image Co., Ltd. 15F, No. 125 Renmin East Road Xiangzhong Zhuhai, Guangdong, China 33156	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Overnight Delivery <input type="checkbox"/> Via First Class Mail <input checked="" type="checkbox"/> International

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