

U.S. International Trade Commission Issues Brother International Corporation First-Ever General Exclusion Order

At a Glance:

- On November 23, 2020, the International Trade Commission (ITC) made a final determination in investigation No. 337-TA-1174 that there had been a widespread pattern of violation of [Brother International Corporation \(Brother\)](#) intellectual property, established by substantial, reliable, and probative evidence, regarding Brother toner cartridges and components.
- Brother announced today the issuance of a General Exclusion Order (GEO) by the U.S. International Trade Commission (ITC) and twenty cease-and-desists in the manufacture, importation and sale of replacement laser toner cartridges that infringe on Brother patents.
- After a standard 60-day Presidential review period, the ITC orders will take full effect on January 23, 2021. Brother will coordinate with federal authorities to enforce the ITC's orders, and prevent any continuing infringement.
- The asserted patents and other Brother intellectual property are the result of continuous investments in innovation and improvement in the laser printing field, which Brother has helped to develop since the late 1980s.

BRIDGEWATER, N.J., November 24, 2020 — On November 23, 2020, the U.S. International Trade Commission (ITC) issued a final determination, a general exclusion order, and twenty cease-and-desist orders in *Certain Toner Cartridges, Components Thereof, and Systems Containing Same*, ITC Inv. No. 337-TA-1174.

The final determination confirms Administrative Law Judge (“ALJ”) Clark S. Cheney’s finding that thirty entities violated Section 337 of the Tariff Act of 1930, as amended (19 C.F.R. § 1337), based on their importation into the United States, sale for importation, and/or sale within the United States after importation of toner cartridges and components thereof that infringe certain of Brother’s patents.

The ITC determined not to review ALJ Cheney’s findings that Brother’s claims were established by substantial, reliable, and probative evidence, including Brother’s claim that an exclusion order limited to just the products of the named respondents would likely be circumvented, and that there is a widespread pattern of violation of Section 337 with regard to the accused toner cartridges. These findings derived from a complaint that Brother filed on August 19, 2019, and the investigation that was instituted on September 23, 2019, based on that complaint.

Brother is pleased that the ITC left ALJ Cheney’s findings intact and issued a general exclusion order and cease-and-desist orders. These orders will become final on January 22, 2021, after a 60-day Presidential review period. Meanwhile, Brother remains committed to protecting its intellectual property and investments made in providing its customers with superior and reliable toner technology.

“The ITC ruling is a great victory for Brother,” said Michael P. Lynch, Vice President and General Counsel, Brother International Corporation. “We will continue to protect our intellectual property and provide consumers with the best in technology and performance that they have come to know as Brother Genuine products and supplies.”



About Brother International Corporation

Brother International Corporation has earned its reputation as a premier provider of home office and business products, home appliances for the sewing and crafting enthusiast as well as industrial solutions that revolutionize the way we live and work. Brother International Corporation is a wholly owned subsidiary of Brother Industries Ltd. With worldwide sales exceeding \$6 billion, this global manufacturer was started more than 100 years ago. Bridgewater, New Jersey is the corporate headquarters for Brother in the Americas. It has fully integrated sales, marketing services, manufacturing, research and development capabilities located in the U.S. In addition to its headquarters, Brother has facilities in California, Illinois and Tennessee, as well as subsidiaries in Canada, Brazil, Chile, Argentina, Peru and Mexico. For more information, visit www.brother.com.

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