

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN DIGITAL TELEVISIONS AND
CERTAIN PRODUCTS CONTAINING SAME
AND METHODS OF USING SAME**

**Inv. No. 337-TA-617
Enforcement Proceeding**

**Order 40: Initial Determination Granting Unopposed Motion
Of Funai Complainants To Terminate Based Upon
Withdrawal Of Complaint With Condition**

Complainants Funai Electric Co., Ltd. and Funai Corporation, Inc. (collectively, "Funai") move for termination of this enforcement proceeding based upon a withdrawal of the complaint. 19 C.F.R. 210.21(a)(1). (Motion No. 617-147).¹ The remaining respondents, TPV Technology, Ltd., TPV International (USA), Inc., Top Victory Electronics (Taiwan) Co. Ltd., Envision Peripherals, Inc. and Top Victory Investments, Ltd., do not oppose the motion. Also, the Commission Investigative Staff does not oppose the motion.

Of particular note, Funai's motion to terminate in part states, "[t]he private parties have met and conferred and Funai has agreed to submit a letter to Customs to clarify that importation of TPV-made DTVs with the Redesigned Chipsets that were the subject of this Enforcement proceeding is not covered by the Limited Exclusion Order issued in the original investigation." Mot. at 1. The following language is to be included in Funai's letter to U.S. Customs and Border Protection:

¹ The Commission instituted this formal enforcement proceeding to determine whether the respondents were in violation of the Commission's limited exclusion order and cease and desist orders issued in the underlying investigation, and what, if any, enforcement measures would be appropriate. 74 Fed. Reg. 46793.


1. Funai acknowledges that importation of TPV-manufactured DTVs containing the Redesigned Chipsets litigated in the Enforcement Proceeding (“Redesigned DTVs”) is not covered by the ITC’s Limited Exclusion Order; and

2. The Redesigned DTVs made by TPV may be imported into the United States upon presentation of the importer’s sworn certification that they contain Redesigned Chipsets and that such DTVs are outside the scope of the Limited Exclusion Order.

Mot. at 1-2. In addition, Funai represents that there are no other agreements, written or oral, express or implied between the parties concerning the subject matter of the enforcement proceeding. Mot. at 2.

Accordingly, for good cause shown, Motion No. 617-147 is granted. Further, inasmuch as there are no remaining respondents, this enforcement proceeding is terminated.

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 pursuant to 19 C.F.R. 210.43(a) or the Commission, pursuant to 19 C.F.R. 210.44, orders on its own motion a review of the Initial Determination or certain issues herein.



Carl C. Charneski
Administrative Law Judge

Issued: November 23 2010

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PUBLIC CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **ORDER NO. 40** has been served by hand upon the Commission Investigative Attorney, **David O. Lloyd, Esq.**, and the following parties as indicated, on _____.

NOV 23 2000



Marilyn R. Abbott, Secretary
U.S. International Trade Commission
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