

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.**

**In the Matter of**

**CERTAIN PROTECTIVE CASES AND  
COMPONENTS THEREOF**

**Inv. No. 337-TA-780**

**ORDER NO. 9: GRANTING IN PART AND DENYING IN PART COMPLAINANT OTTER PRODUCTS, LLC'S MOTION FOR ORDER TO SHOW CAUSE AND FOR ENTRY OF DEFAULT JUDGMENT AS TO RESPONDENTS ANBESS ELECTRONICS CO. LTD., GUANGZHOU EVOTECH INDUSTRY CO., LTD., HOFFCO BRANDS, INC. d/b/a/ CELLTRONIX, HONG KONG HJJ CO., LTD., SHENZHEN STAR & WAY TRADE CO., LTD., SINATECH INDUSTRIAL CO., LTD., SUNTEL GLOBAL INVESTMENT LTD., AND TRAIT TECHNOLOGY (SHENZHEN) CO., LTD.**

(September 8, 2011)

On August 22, 2011, complainant Otter Products, LLC ("Otter"), pursuant to 19 U.S.C. § 1337(g)(1) and 19 C.F.R. § 210.16, filed a motion for an order directing each of respondents Anbess Electronics Co. Ltd. ("Anbess"); Guangzhou Evotech Industry Co., Ltd. ("Evotech"); Hoffco Brands, Inc. d/b/a Celltronix ("Hoffco"); Hong Kong HJJ Co., Ltd. ("HJJ"); ShenZhen Star & Way Trade Co., Ltd. ("Star & Way"); Sinatech Industrial Co., Ltd. ("Sinatech"); Suntel Global Investment Ltd. ("Suntel"); and Trait Technology (Shenzhen) Co., Ltd. ("Trait") (collectively "Unresponsive Respondents") to show cause for why they should not be found in default based on their failure to respond to the Complaint and Notice of Investigation, as required by 19 C.F.R. § 210.13, or otherwise participate in this investigation. (Motion Docket No. 780-005). Otter's motion further requests the issuance of an initial determination finding Unresponsive Respondents in default upon failure to show cause.

On September 1, 2011, the Commission Investigative Staff ("Staff") filed a response in support of the motion to the extent it seeks an order to show cause for Anbess, Evotech, Hoffco, HJJ, Sinatech, Suntel, and Trait. Staff opposes the motion to the extent that it seeks an order to show cause for Star & Way because, according to Staff, it is unclear whether service of the complaint has been effective and because there is insufficient evidence to demonstrate that Star & Way purposely refused service.

No other responses were received.

On May 25, 2011, Otter filed a complaint with the Commission pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337. The complaint alleges, *inter alia*, that Unresponsive Respondents violate Section 337 in connection with the importation into the United States, the sale for importation, and/or sale within the United States after importation of certain protective cases and components thereof that infringe U.S. Trademark Registration Nos. 3,788,534, 3,788,535, 3,623,789, and 3,795,187 and U.S. Patent Nos. 7,993,122, D600,908, D617,784, D615,536, D617,785, D634,741, and D636,386. The Commission issued a Notice of Investigation that was subsequently published in the Federal Register on June 30, 2011.

Otter states that it understands that the Complaint and Notice of Investigation were not returned as undeliverable for any of the Unresponsive Respondents. Otter argues that the Unresponsive Respondents failed to file a response to the Complaint and Notice of Investigation in the time and manner required by the Commission's Rules; failed to submit discovery statements and participate in the Preliminary Conference as required by Order No. 2; and failed to respond to Otter's discovery requests, seek an extension to respond to these requests, or file a motion for a protective order.

Anbess is located in China. On June 24, 2011, the Office of the Secretary served, via Federal Express, copies of the Complaint and Notice of Investigation on Anbess. The copies served on Anbess were not returned to the Secretary as undelivered, which has been found to be a sufficient indication of receipt to justify the issuance of a show-cause order under Commission Rule 210.16(a)(1). Under the Commission's Rule of Practice and Procedure, Anbess' response was due on July 28, 2011. To date, Anbess has not yet filed a response to the Complaint or complied with Order No. 2.

Evotech is located in China. On June 24, 2011, the Office of the Secretary served, via Federal Express, copies of the Complaint and Notice of Investigation on Evotech. The copies served on Evotech were not returned to the Secretary as undelivered, which has been found to be a sufficient indication of receipt to justify the issuance of a show-cause order under Commission Rule 210.16(a)(1). Under the Commission's Rule of Practice and Procedure, Evotech's response was due on July 28, 2011. To date, Evotech has not yet filed a response to the Complaint or complied with Order No. 2.

Hoffco is located in the United States. On June 24, 2011, the Office of the Secretary served, via UPS, copies of the Complaint and Notice of Investigation on Hoffco. The copies served on Hoffco were not returned to the Secretary as undelivered, which has been found to be a sufficient indication of receipt to justify the issuance of a show-cause order under Commission Rule 210.16(a)(1). Under the Commission's Rule of Practice and Procedure, Hoffco's response was due on July 18, 2011. To date, Hoffco has not yet filed a response to the Complaint or complied with Order No. 2.

HJJ is located in China. On June 24, 2011, the Office of the Secretary served, via Federal Express, copies of the Complaint and Notice of Investigation on HJJ. The copies served on HJJ

were not returned to the Secretary as undelivered, which has been found to be a sufficient indication of receipt to justify the issuance of a show-cause order under Commission Rule 210.16(a)(1). Under the Commission's Rule of Practice and Procedure, HJJ's response was due on July 28, 2011. To date, HJJ has not yet filed a response to the Complaint or complied with Order No. 2.

Star & Way is located in China. On June 24, 2011, the Office of the Secretary attempted to serve, via Federal Express, copies of the Complaint and Notice of Investigation on Star & Way. However, the Complaint and Notice were returned as undeliverable due to an incorrect address.

Sinatech is located in China. On June 24, 2011, the Office of the Secretary served, via Federal Express, copies of the Complaint and Notice of Investigation on Sinatech. The copies served on Sinatech were not returned to the Secretary as undelivered, which has been found to be a sufficient indication of receipt to justify the issuance of a show-cause order under Commission Rule 210.16(a)(1). Under the Commission's Rule of Practice and Procedure, Sinatech's response was due on July 28, 2011. To date, Sinatech has not yet filed a response to the Complaint or complied with Order No. 2.

Suntel is located in China. On June 24, 2011, the Office of the Secretary served, via Federal Express, copies of the Complaint and Notice of Investigation on Suntel. The copies served on Suntel were not returned to the Secretary as undelivered, which has been found to be a sufficient indication of receipt to justify the issuance of a show-cause order under Commission Rule 210.16(a)(1). Under the Commission's Rule of Practice and Procedure, Suntel's response was due on July 28, 2011. To date, Suntel has not yet filed a response to the Complaint or complied with Order No. 2.

Trait is located in China. On June 24, 2011, the Office of the Secretary served, via Federal Express, copies of the Complaint and Notice of Investigation on Trait. The copies served on Trait were not returned to the Secretary as undelivered, which has been found to be a sufficient indication of receipt to justify the issuance of a show-cause order under Commission Rule 210.16(a)(1). Under the Commission's Rule of Practice and Procedure, Trait's response was due on July 28, 2011. To date, Trait has not yet filed a response to the Complaint or complied with Order No. 2.

Section 337(g), 19 U.S.C. § 1337(g)(1)(C), and Commission Rule 210.16, 19 C.F.R. § 210.16(a)(1), provide that a respondent shall be found in default if it fails to respond or otherwise fails to answer the complaint and notice of investigation and fails to show cause why it should not be found in default. In view of Anbess, Evotech, Hoffco, HJJ, Sinatech, Suntel, and Trait's failure to respond to the Complaint and Notice of Investigation and failure to comply with Order No. 2, the ALJ finds good cause to GRANT Otter's Motion to Show Cause as it relates to Anbess, Evotech, Hoffco, HJJ, Sinatech, Suntel, and Trait.

However, with regard to Star & Way, there is no evidence to suggest that Star & Way has received service, is aware of the Commission's attempts at service, or is deliberately avoiding service. Otter has not attempted to effect personal service, nor has Otter attempted to contact Star & Way in an effort to verify its proper address. As a result, the ALJ finds that issuance of a Motion to Show Cause is premature at this time. Therefore, Otter's Motion to Show Cause as it relates to Star & Way is hereby DENIED.

Anbess, Evotech, Hoffco, HJJ, Sinatech, Suntel, and Trait are hereby ordered, no later than the close of business on **September 23, 2011**, to show cause why they should not be found in default for failing to respond. In the absence of any showing of good cause within said time

period, the ALJ will enter an initial determination of default against Anbess, Evotech, Hoffco, HJJ, Sinatech, Suntel, and Trait.

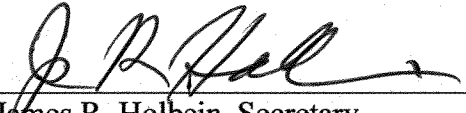
**SO ORDERED.**

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

Theodore R. Essex  
Administrative Law Judge

**PUBLIC CERTIFICATE OF SERVICE**

I, James R. Holbein, hereby certify that the attached **ORDER 9** has been served by hand upon, the Commission Investigative **Rhett Sotherly, Esq.**, and the following parties as indicated on **September 8, 2011**.

  
James R. Holbein, Secretary  
U.S. International Trade Commission  
500 E Street, SW, Room 112  
Washington, DC 20436

**On Behalf of Complainant Otter Products LLC:**

Louis S. Mastriani, Esq.  
**ADDUCI MASTRIANI & SCHAUMBERG, LLP**  
1200 Seventeenth Street, NW, Fifth Floor  
Washington, DC 20036

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( ) Via Overnight Delivery  
(  ) Via First Class Mail  
( ) Other: \_\_\_\_\_

**On Behalf of Alibaba.com Hong Kong Ltd.:**

Charles F. Schill, Esq.  
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1330 Connecticut Avenue, NW  
Washington, DC 20036

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( ) Via Overnight Delivery  
(  ) Via First Class Mail  
( ) Other: \_\_\_\_\_

**On Behalf of Cellairis Franchise, Inc.:**

Sanford J. Asman, Esq.  
**LAW OFFICE OF SANFORD J. ASMAN**  
570 Vinington Court  
Atlanta, GA 30350

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**On Behalf of AFC Trident Inc.:**

William A. Delgado, Esq.  
**WILLENKEN WILSON LOH & LIEB LLP**  
707 Wilshire Boulevard, Suite 3850  
Los Angeles, CA 90017

( ) Via Hand Delivery  
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(  ) Via First Class Mail  
( ) Other: \_\_\_\_\_

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**On Behalf of A.G. Findings and Mfg. Co., Inc.**  
**d/b/a Ballistic:**

Alan M. Weisberg, Esq.  
**CHRISTOPHER & WEISBERG, P.A.**  
200 East Las Olas Blvd., Suite 2040  
Fort Lauderdale, FL 33301

- Via Hand Delivery  
 Via Overnight Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

**On Behalf of Griffin Technology, Inc.:**

Jason L. Hornkohl, Esq.  
**HORNKOHL INTELLECTUAL PROPERTY LAW, PLLC**  
7950 Saddle Ridge Trace  
Nashville, TN 37221

- Via Hand Delivery  
 Via Overnight Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

**Respondents:**

Anbess Electronics Co., Ltd.  
1F, Block B, Building 4  
Cui Feng Hao Yuan  
ShuiJing, BuJi, LongGang,  
Shenzhen, GD 518112 China

- Via Hand Delivery  
 Via Overnight Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

Cellet Products  
14530 Anson Avenue  
Santa Fe Springs, CA 90670

- Via Hand Delivery  
 Via Overnight Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

DHgate.com  
6F Dimeng Commercial Building No. 3-2,  
Hua Yuan Road, Haidian District  
Beijing, China 10091

- Via Hand Delivery  
 Via Overnight Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

Guangzhou Evotech Industry Co., Ltd.  
No. 28 E-05, Baoli Center Square  
Jiansheda Ma Road, Guangzhou  
Guangdong, China (Mainland) 510000

- Via Hand Delivery  
 Via Overnight Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

Hardcandy Cases LLC  
d/b/a GUMDROP LLC  
2730 Gateway Oaks Drive 100  
Sacramento, CA 95833

- Via Hand Delivery  
 Via Overnight Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

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**Respondents (cont.):**

Hoffco Brands, Inc.  
d/b/a Celltronix  
4860 Ward Road  
Wheat Ridge, CO 80033

- Via Hand Delivery
- Via Overnight Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

Hong Kong Better Technology Group Ltd.  
10A, Hongling Building, Hongling South Road  
Fuitian District  
Shenzhen, China 518000

- Via Hand Delivery
- Via Overnight Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

Hong Kong HJJ Co., Ltd.  
Room 4, Block 2 West, SEG Technology Park  
HuaQiang North Road  
Futian District, Shenzhen, China 518028

- Via Hand Delivery
- Via Overnight Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

Hypercel Corporation  
d/b/a Naztech Technologies  
28010 Industry Drive  
Valencia, CA 91355

- Via Hand Delivery
- Via Overnight Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

InMotion Entertainment  
4801 Executive Park Court  
Suite 100  
Jacksonville, FL 32216

- Via Hand Delivery
- Via Overnight Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

MegaWatts Computers, LLC  
3501 South Sheridan Road  
Tulsa, OK 74145

- Via Hand Delivery
- Via Overnight Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

National Cellular  
5620 1<sup>st</sup> Avenue, Third Floor  
Brooklyn, NY 11220

- Via Hand Delivery
- Via Overnight Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

OEM Bargain.com  
PO Box 7132  
Wantagh, NY 11793

- Via Hand Delivery
- Via Overnight Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

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Respondents (cont.):

One Step Up Ltd.  
d/b/a Lifeworks Technology Group LLC  
1412 Broadway – Third floor  
New York, NY 10018

( ) Via Hand Delivery  
( ) Via Overnight Delivery  
(  ) Via First Class Mail  
( ) Other: \_\_\_\_\_

Papaya Holdings Ltd.  
8/F, CNT Commercial Bldg.  
302 Queen's Road  
Central, Hong Kong

( ) Via Hand Delivery  
( ) Via Overnight Delivery  
(  ) Via First Class Mail  
( ) Other: \_\_\_\_\_

Quanyun Electronics Co., Ltd.  
Floor 1, Workshop No. 1  
Weihua Industrial Areas  
Tongsheng Community, Dalang Street  
Baoan District  
Shenzhen China (Mainland) 518000

( ) Via Hand Delivery  
( ) Via Overnight Delivery  
(  ) Via First Class Mail  
( ) Other: \_\_\_\_\_

ShenZhen Star & Way Trade Co., Ltd.  
d/b/a DHgate sellers Best8168 and Julyoung  
Guangzhou Chaoshanglong Company  
Room 901, No., 43-3 Siheng Street  
Shuiyin Road Tianhe District  
Guangzhou City, China 510000

( ) Via Hand Delivery  
( ) Via Overnight Delivery  
(  ) Via First Class Mail  
( ) Other: \_\_\_\_\_

Sinatech Industrial Co., Ltd.  
Room 3005, #570, FangCun, LiWan District  
GuangZhou City, China

( ) Via Hand Delivery  
( ) Via Overnight Delivery  
(  ) Via First Class Mail  
( ) Other: \_\_\_\_\_

SmileCase  
3226 Ridgeway Place  
Windsor Mill, MD 21244

( ) Via Hand Delivery  
( ) Via Overnight Delivery  
(  ) Via First Class Mail  
( ) Other: \_\_\_\_\_

Suntel Global Investment Ltd.  
2F-D5, Jian Fa Square, 111#, Ji Chang Road  
Baiyun District, Guangzhou, China

( ) Via Hand Delivery  
( ) Via Overnight Delivery  
(  ) Via First Class Mail  
( ) Other: \_\_\_\_\_

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**Respondents (cont.):**

TheCaseInPoint.com  
793 Marian Court  
Titusville, FL 32780

- Via Hand Delivery
- Via Overnight Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

TheCaseSpace  
215 East Foothills Parkway #D-003  
Fort Collins, CO 80525

- Via Hand Delivery
- Via Overnight Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

Topter Technology Co., Ltd.  
2<sup>nd</sup> Floor, Building B  
Jinkajin Industrial Zone  
Minying Industrial Park  
Shuitian Village, Shiyuan Town  
Shenzhen Guangdong, China

- Via Hand Delivery
- Via Overnight Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

Trait Technology (Shenzhen) Co., Ltd.  
416-419RM, 305# Sufa Building  
Huafa North Road, Futian District  
Shenzhen, China

- Via Hand Delivery
- Via Overnight Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

Global Cellular, Inc.  
6485 Shiloh Road, Building B-100  
Alpharetta, GA 30005

- Via Hand Delivery
- Via Overnight Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

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PUBLIC MAILING LIST:

Heather Hall  
**LEXIS – NEXIS**  
9443 Springboro Pike  
Miamisburg, OH 45342

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: \_\_\_\_\_

Kenneth Clair  
**THOMSON WEST**  
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- Via Overnight Mail
- Via First Class Mail
- Other: \_\_\_\_\_