

**UNITED STATES INTERNATIONAL TRADE COMMISSION**

**Washington, D.C.**

**In the Matter of**

**CERTAIN DIGITAL PHOTO FRAMES  
AND IMAGE DISPLAY DEVICES AND  
COMPONENTS THEREOF**

**Inv. No. 337-TA-807**

**ORDER NO. 14: INITIAL DETERMINATION FINDING RESPONDENTS NEXTAR  
INC., WIN ACCORD LTD., & WINACCORD U.S.A., INC. IN  
DEFAULT**

(December 6, 2011)

On November 7, 2011, complainant Technology Properties Limited, LLC (“TPL”) filed motions for orders to show cause and for entry of a default judgment against respondents Nextar Inc. (“Nextar”), Win Accord Ltd. (“Win Accord”), and WinAccord U.S.A., Inc. (“WinAccord USA”). (Motion Docket Nos. 807-009, 807-012, 807-013.)

**I. Legal Standard**

Section 337 allows for the entry of an exclusion order and/or a cease and desist order against a defaulting respondent. 19 U.S.C. § 1337(g) (2009). Commission Rule 210.16 governs default, and states, *inter alia*:

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 CFR 210.16(a)(1). The rule further provides:

If a respondent has failed to respond or appear in the manner described in paragraph (a)(1) of this section, a party may file a motion for, or the administrative law judge may issue upon his own initiative, an order directing that

respondent to show cause why it should not be found in default. If the respondent fails to make the necessary showing, the administrative law judge shall issue an initial determination finding the respondent in default. An administrative law judge's decision denying a motion for a finding of default under paragraph (a)(1) of this section shall be in the form of an order.

19 CFR 210.16(b)(1)

## II. Analysis

Nextar, Win Accord, and WinAccord USA each failed to respond to the Complaint and Notice of Investigation. On September 23, 2011, Nextar and WinAccord U.S.A. received service of the Complaint and Notice of Investigation via UPS Next Day Air. (Mot. No. 807-012 at Ex. A; Mot. No. 807-013 at Ex. A.) On September 26, 2011, Win Accord received service of the Complaint and Notice of Investigation via FedEx Express. (Mot. No. 807-009 at Ex. A.) The served copies on Nextar, Win Accord, and WinAccord USA 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. *See Certain Inkjet Ink Supplies & Components Thereof*, Inv. No. 337-TA-691, Order No. 8 (Dec. 29, 2009); *Certain Magnifying Loupe Prods. & Components Thereof*, 337-TA-611, Order No. 9 (Mar. 21, 2008).

Under the Commission Rules, Nextar's and WinAccord U.S.A.'s responses were due on October 13, 2011, and Win Accord's response was due on October 24, 2011. As of this date, Nextar, Win Accord, and WinAccord USA have not filed a response to the Complaint and Notice of Investigation.

On November 18, 2011, I issued Order No. 13, which was an Order to Show Cause why a number of respondents, including Nextar, Win Accord, and WinAccord USA, should not be found in default. I set a deadline of December 2, 2011 for the respondents to show cause why they should not be found in default for failure to respond to the Complaint and Notice of

Investigation. Nextar, Win Accord, and WinAccord USA each failed to file a timely response to Order No. 13.


Based on the foregoing, I find that Nextar, Win Accord, and WinAccord USA failed to show cause regarding why they should not be held in default.

ORDER

It is my Initial Determination that Nextar, Win Accord, and WinAccord USA shall be found in default pursuant to 19 CFR § 210.16(a)(1) for failure to respond to the Complaint and Notice of Investigation.

This Initial Determination, along with supporting documentation, is hereby certified to the Commission. Pursuant to 19 CFR § 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 CFR § 210.43(a), or the Commission, pursuant to 19 CFR § 210.44, orders, on its own motion, a review of the Initial Determination or certain issues herein.

**SO ORDERED.**


  
\_\_\_\_\_  
Robert K. Rogers, Jr.  
Administrative Law Judge

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**PUBLIC CERTIFICATE OF SERVICE**

I, James R. Holbein, hereby certify that the attached **ORDER** was served upon **Aarti Shah, Esq.**, Commission Investigative Attorney, and the following parties via first class mail delivery on December 6, 2011.

  
James R. Holbein, Secretary  
U.S. International Trade Commission  
500 E Street SW, Room 112A  
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**PUBLIC CERTIFICATE OF SERVICE PAGE 2**

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**PUBLIC CERTIFICATE OF SERVICE PAGE 3**

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**PUBLIC CERTIFICATE OF SERVICE PAGE 4**

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