

**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. 15: DENYING COMPLAINANT'S MOTION FOR DEFAULT  
JUDGMENT WITH RESPECT TO RESPONDENTS CURTIS  
INTERNATIONAL, LTD. & AIPTTEK INTERNATIONAL INC.**

(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 Curtis International, Ltd. ("Curtis") and Aiptek International Inc. ("Aiptek"). (Motion Docket Nos. 807-010, 807-011.)

**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**

Curtis and Aiptek each failed to respond 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 Curtis and Aiptek, 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. Both Curtis and Aiptek filed timely responses to the Order to Show Cause.

Curtis contends that it has reached a final settlement with TPL and is in the process of drafting a definitive settlement agreement to memorialize the agreed-upon terms. Curtis claims that the parties intend to promptly file a motion to terminate the investigation as to Curtis upon execution of the settlement agreement. According to Curtis, TPL has consented to an extension of time for Curtis to respond to the Complaint and Notice of Investigation, and has withdrawn its request for a default. Curtis requests that the proceedings relating to TPL's request for a default against Curtis be held in abeyance pending the submission of a motion to terminate the investigation as to Curtis.

Aiptek asserts that its counsel has been actively engaged in settlement negotiations with TPL. Aiptek states that a license agreement has been proposed by TPL and is being considered by Aiptek's management. Aiptek therefore seeks a two week extension of time to either finalize a settlement or file a response to the Complaint and Notice of Investigation.

I find that both Curtis and Aiptek have shown cause why they should not be found in default at this time. Curtis has reached a final settlement with TPL, and Aiptek is in the process of negotiating a settlement with TPL. In view of these developments, I find that a two-week extension of time for Curtis and Aiptek to either (1) file a response to the Complaint and Notice of Investigation; or (2) file a motion for termination of the investigation based upon a settlement agreement or consent order as appropriate. If Curtis or Aiptek fails to file one or the other of the above-listed documents on or before the deadline, I shall find that party in default.

ORDER

Motion Nos. 807-010 and 807-011 are hereby DENIED. By the close of business on December 20, 2011, Curtis and Aiptek shall each (1) file a response to the Complaint and Notice of Investigation; or (2) file a motion for termination of the investigation based upon a settlement agreement or consent order as appropriate. I will issue an Initial Determination finding Curtis or Aiptek in default if that party fails to file one of the required documents on or before the December 20, 2011 deadline.

**SO ORDERED.**



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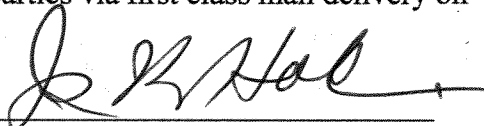
Robert K. Rogers, Jr.  
Administrative Law Judge

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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  
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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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