

**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. 13: GRANTING COMPLAINANT TECHNOLOGY PROPERTIES LIMITED LLC'S MOTIONS FOR ORDERS TO SHOW CAUSE WHY RESPONDENTS WIN ACCORD LTD., CURTIS INTERNATIONAL, LTD., AIPTEK INTERNATIONAL INC. WINACCORD U.S.A., INC. AND NEXTAR INC. SHOULD NOT BE FOUND IN DEFAULT**

(November 18, 2011)

On November 7, 2011, complainant Technology Properties Limited, LLC ("TPL") filed motions for orders to show cause and for entry of default judgments against each of respondents Win Accord Ltd. ("Win Accord"); Curtis International, Ltd. ("Curtis"); Aiptek International Inc. ("Aiptek"); WinAccord U.S.A., Inc. ("WinAccord USA"); and Nextar Inc. ("Nextar") collectively ("Unresponsive Respondents"). (Motion Docket Nos. 807-009 – 807-013, respectively.) On November 14, 2011, the Commission Investigative Staff ("Staff") filed a consolidated response in support of the portions of the motions requesting orders to show cause. No other responses were received.

TPL states that the Commission issued the Notice of Institution of Investigation on September 21, 2011, which published in the Federal Register on September 27, 2011. TPL states that the Commission served all respondents with the Complaint and Notice of Investigation on September 22, 2011. TPL states Curtis, Aiptek, and Win Accord received service of the

Complaint and Notice of Investigation on September 26, 2011 and WinAccord U.S.A. and Nextar received service of the Complaint and Notice of Investigation on September 23, 2011. TPL asserts that the responses from Curtis, Aiptek, and Win Accord, each foreign respondents, were due no later than October 24, 2011 and the responses from WinAccord U.S.A. and Nextar, each domestic respondents, were due no later than October 13, 2011. TPL asserts that it successfully served the Unresponsive Respondents with discovery requests sent to the respective addresses listed in the Complaint on September 29, 2011. TPL states that the Unresponsive Respondents have not filed a response to the Complaint and Notice of Investigation.

TPL argues that the Unresponsive Respondents' failure to respond to the Complaint and Notice of Investigation merits the issuance of an order to show cause. TPL further argues that if the Unresponsive Respondents fail to show cause, a finding of default should be entered for each of the Unresponsive Respondents.

Staff supports TPL's request for orders to show cause. Staff asserts that an order to show cause is warranted because the Unresponsive Respondents have not responded to the Complaint and Notice of Investigation, have not otherwise appeared, and have not demonstrated that they intend to participate in this investigation. Staff asserts that TPL's request for default is premature given that the Unresponsive Respondents have not yet failed to respond to an order to show cause.

#### **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 requires an order to show cause prior to a finding of default:

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

TPL seeks an order to show cause based on the Unresponsive Respondents' failure 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, Curtis, Aiptek, and Win Accord received service of the Complaint and Notice of Investigation via FedEx Express. (Mot. No. 807-009 at Ex. A; Mot. No. 807-010 at Ex. A; Mot. No. 807-011 at Ex. A.) The served copies on Unresponsive Respondents 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 Curtis', Aiptek's, and Win Accord's responses were due on October 24, 2011. As of this date, none of the Unresponsive Respondents have filed a response to the

Complaint and Notice of Investigation. The Unresponsive Respondents did not attend the pre-hearing conference held on October 12, 2011, and Staff asserts that the Unresponsive Respondents have not appeared in any way in this investigation. Based on the Unresponsive Respondents' failure to respond to the Complaint and Notice of Investigation, I find that an order to show cause is justified.

ORDER

Motion Nos. 807-009 through 807-013, inclusive, are hereby GRANTED. Unresponsive Respondents are hereby ordered to show cause, no later than the close of business on December 2, 2011, why they should not be found in default for failure to respond to the Complaint and Notice of Investigation. I shall enter an Initial Determination of default against each of the Unresponsive Respondents who fails to show the required good cause within said time period.

**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  
November 18, 2011

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

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**PUBLIC CERTIFICATE OF SERVICE PAGE 2**

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**PUBLIC CERTIFICATE OF SERVICE PAGE 3**

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**RESPONDENTS:**

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 Via First Class Mail  
 INTERNATIONAL

CEIVA Logic Inc.  
214 E. Magnolia Boulevard  
Burbank, CA 91502

- Via Hand Delivery  
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 Other: \_\_\_\_\_

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 Via First Class Mail  
 INTERNATIONAL

Curtis International, Ltd.  
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Canada

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 Via Overnight Mail  
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 INTERNATIONAL

Nextar Inc.  
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**PUBLIC CERTIFICATE OF SERVICE PAGE 4**

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