

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

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

Investigation No. 337-TA-807

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION FINDING CERTAIN RESPONDENTS IN DEFAULT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Order No. 14) of the presiding administrative law judge ("ALJ") finding respondents Nextar Inc. ("Nextar") of La Verne, California; WinAccord Ltd. ("WinAccord") of Taipei, Taiwan; and WinAccord U.S.A., Inc. ("WinAccord USA") of San Jose, California in default in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Clint Gardine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on September 27, 2011, based on a complaint filed by Technical Properties Limited, LLC ("TPL") of Cupertino, California. *76 Fed. Reg.* 59737-38. The complaint alleges a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain digital photo frames and image display devices and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 6,976,623; 7,162,549; 7,295,443; and 7,522,424. The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named twenty respondents including Nextar, WinAccord, and WinAccord USA.

The complaint and notice of investigation were served on Nextar and WinAccord USA on September 23, 2011, and on WinAccord on September 26, 2011. Nextar, WinAccord, and WinAccord USA failed to respond to the complaint and notice of investigation.

On November 7, 2011, TPL moved, pursuant to 19 C.F.R. § 210.16, for the following: (1) orders directing respondents Nextar, WinAccord, and WinAccord USA to show cause why they should not be found in default for failure to respond to the complaint and notice of investigation as required by 19 C.F.R. § 210.13; and (2) the issuance of an ID finding these respondents in default upon their failure to show cause. Nextar, WinAccord, and WinAccord USA did not respond to the motion.

On November 18, 2011, the ALJ issued Order No. 13 which required several respondents, including Nextar, WinAccord, and WinAccord USA, to show cause no later than December 2, 2011, as to why they should not be held in default and judgment rendered against them pursuant to 19 C.F.R. § 210.16. No responses were received from Nextar, WinAccord, and WinAccord USA to the show cause order.

The ALJ issued the subject ID on December 6, 2011, finding Nextar, WinAccord, and WinAccord USA in default, pursuant to 19 C.F.R. §§ 210.13 and 210.16, because these respondents did not respond to the complaint and notice of investigation, or to Order No. 13 to show cause. No party petitioned for review of the ID pursuant to 19 C.F.R. § 210.43(a), and the Commission found no basis for ordering a review on its own initiative pursuant to 19 C.F.R. § 210.44.

The Commission has determined not to review the ID. Accordingly, Nextar, WinAccord, and WinAccord USA have defaulted.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, and in sections 210.16 and 210.42(h) of the Commission's Rules of Practice and Procedure, 19 C.F.R. §§ 210.16, 210.42(h).

By order of the Commission.



James R. Holbein
Secretary to the Commission

Issued: January 3, 2012
November 9, 2012