

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436**

In the Matter of

**CERTAIN DVD PLAYERS AND
RECORDERS AND CERTAIN
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-603

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US INTL TRADE COMM
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NOTICE OF A CORRECTED LIMITED EXCLUSION ORDER

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has issued a corrected limited exclusion order in the above-captioned investigation. The corrected order adds language, inadvertently left out of the previous order, noting that products of Dongguan GVG Digital Products Ltd. and GVG Digital Technology Holdings Ltd. (collectively, the "GVG respondents") that practice the method of claim 16 of the U.S. Patent No. 5,870,523 ("the '523 patent") are excluded from entry.

FOR FURTHER INFORMATION CONTACT: Paul M. Bartkowski, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5432. 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 (<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: This investigation was instituted on May 8, 2007, based on a complaint filed by Toshiba Corporation of Tokyo, Japan and Toshiba America Consumer Products, L.L.C., of Wayne, New Jersey (collectively, "Toshiba"). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930 (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 DVD players and recorders and certain products containing the

same by reason of infringement of claims 6 and 7 of U.S. Patent No. 5,587,991, claims 16 and 31 of the '523 patent, and claim 4 of U.S. Patent No. 5,956,306. The complaint named over a dozen respondents, including the GVG respondents.

Each respondent has been terminated from the investigation on the basis of settlement, consent order, or, in the case of the GVG respondents, default. Because the GVG respondents were found in default, and thus subject to a limited exclusion order under section 337(g)(1), 19 U.S.C. § 1337(g)(1), the Commission requested briefing from interested parties on remedy, the public interest, and bonding on December 17, 2007.

On February 15, 2008, the Commission issued a limited exclusion order prohibiting the unlicensed entry of certain DVD players and recorders and products containing same by reason of infringement of claims 6 and 7 of U.S. Patent No. 5,587,991, claim 31 of the '523 patent, and claim 4 of U.S. Patent No. 5,956,306, and that are manufactured abroad by or on behalf of, or imported by or on behalf of, the GVG respondents. The Commission's order was delivered to the President and the United States Trade Representative on the day of its issuance.

Under section 337(g)(1), 19 U.S.C. § 1337 (g)(1), in the case of a defaulting respondent, the Commission presumes facts alleged in the complaint to be true. Accordingly, method claim 16 of the '523 patent should have been included in the limited exclusion order. The inclusion of method claim 16 will not broaden the scope of products covered by the exclusion order. Rather, it will merely provide an additional basis for exclusion of the products already covered by the order.

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 section 210.16(c) of the Commission's Rules of Practice and Procedure (19 CFR § 210.16(c)).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Marilyn R. Abbott', is written over a horizontal line.

Marilyn R. Abbott
Secretary to the Commission

Issued: March 14, 2008

**UNITED STATES INTERNATIONAL TRADE COMMISSION
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**In the Matter of
CERTAIN DVD PLAYERS AND
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PRODUCTS CONTAINING SAME**

Inv. No. 337-TA-603

**[CORRECTED]
LIMITED EXCLUSION ORDER**

The Commission has previously found Dongguan GVG Digital Products Ltd. and GVG Digital Technology Holdings Ltd. in default for failing to respond to the Notice of Investigation and the Complaint that alleged a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the unlawful importation and sale of certain DVD players and recorders and products containing same by reason of infringement of claims 6 and 7 of U.S. Patent No. 5,587,911 (“the ‘991 patent”), claims 16 and 31 of U.S. Patent No. 5,870,523 (“the ‘523 patent”), and claim 4 of U.S. Patent No. 5,956,306 (“the ‘306 patent”).

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that the appropriate form of relief as to the defaulting respondents is a limited exclusion order prohibiting the unlicensed entry of DVD players and recorders and products containing the same that are covered by one or more of claims 6 and 7 of the ‘991 patent, claim 31 of the ‘523 patent, and claim 4 of the

'306 patent, and/or that practice the method of claim 16 of the '523 patent, and that are manufactured abroad by or on behalf of, or imported by or on behalf of, Dongguan GVG Digital Products Ltd. and GVG Digital Technology Holdings Ltd.

The Commission has further determined that the public interest factors enumerated in 19 U.S.C. § 1337(d) do not preclude issuance of the limited exclusion order, and that the bond during the Presidential review period shall be in the amount of 100% of entered value of the DVD players, DVD recorders and products containing the same that are subject to this Order.

Accordingly, the Commission hereby **ORDERS** that:

1. DVD players and recorders and products containing the same within the scope of the investigation that are covered by one or more of claims 6 and 7 of the '991 patent, claim 31 of the '523 patent claim 4 of the '306 patent, and/or that practice the method of claim 16 of the '523 patent, and that are manufactured abroad by or on behalf of, or imported by or on behalf of, Dongguan GVG Digital Products Ltd. and GVG Digital Technology Holdings Ltd., or any of their affiliated companies, parents, subsidiaries, or other related business entities, or any of their successors or assigns, shall be excluded from entry for consumption into the United States, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, for the

remaining term of the patents, except under license of the patent owner or as provided by law.

2. DVD players and recorders and products containing the same that are excluded by paragraph 1 of this Order are entitled to entry for consumption into the United States, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, under bond in the amount of 100% of entered value pursuant to subsection (j) of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(j), and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 *Fed. Reg.* 43251), from the day after this Order is received by the United States Trade Representative until such time as the United States Trade Representative notifies the Commission that this action is approved or disapproved but, in any event, not later than 60 days after the date of receipt of this action.

3. At the discretion of U.S. Customs and Border Protection ("CBP") and pursuant to procedures it establishes, persons seeking to import DVD players and recorders and products containing the same that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraphs 1 through 7 of this Order. At its discretion, Customs may

require persons who have provided the certification described in this paragraph to furnish such records or analyses as are necessary to substantiate the certification.

4. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to DVD players and recorders and products containing the same that are imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

5. The Commission may modify this Order in accordance with the procedures described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

6. The Secretary shall serve copies of this Order upon each party of record in this investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Bureau of Customs and Border Protection.

7. Notice of this Order shall be published in the *Federal Register*.

By Order of the Commission.


Marilyn R. Abbott
Secretary to the Commission

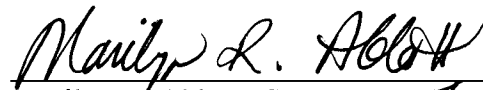
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337-TA-603

PUBLIC CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **NOTICE OF CORRECTED LIMITED EXCULSION ORDER** has been served by hand upon the Commission Investigative Attorney, Rett Snotherly, Esq., and the following parties as indicated, on March 14, 2008 _____.


Marilyn R. Abbott, Secretary *JNG*
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