

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

In the Matter of

**CERTAIN DIGITAL TELEVISIONS AND
CERTAIN PRODUCTS CONTAINING SAME
AND METHODS OF USING SAME**

Inv. No. 337-TA-617

MODIFIED LIMITED EXCLUSION ORDER

On April 10, 2009, the Commission determined that a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) occurred in the unlawful importation, sale for importation, and sale after importation by Vizio, Inc. (“Vizio”); AmTran Technology Co., Ltd. (“AmTran”); Syntax-Brilliant Corporation (“SBC”); Taiwan Kolin Co., Ltd. (“Taiwan Kolin”); Proview International Holdings, Ltd. (“Proview International”); Proview Technology (Shenzhen) Co., Ltd. (“Proview Shenzhen”); Proview Technology, Ltd. (“Proview Technology”); TPV Technology, Ltd. (“TPV Technology”); TPV International (USA), Inc. (“TPV USA”); Top Victory Electronics (Taiwan) Co., Ltd. (“Top Victory Electronics”); and Envision Peripherals, Inc. (“Envision”) (collectively, “Respondents”) of digital televisions and products containing the same that infringe claims 1, 5, and 23 of U.S. Patent No. 6,115,074 (“the ‘074 patent”). The Commission issued a limited exclusion order and several cease-and-desist orders on April 10, 2009.

On August 9, 2010, the Commission rescinded the limited exclusion order and cease-and-desist orders with respect to Vizio and AmTran based on a joint motion filed by Vizio and AmTran and complainants Funai Electric Co., and Funai Corporation (collectively, “Funai”).

On May 26, 2010, the United States Court of Appeals for the Federal Circuit (“Federal Circuit”) issued a decision reversing the Commission’s determination that the so-called “work-around” products of Respondents infringe the asserted claims of the ‘074 patent. *See Vizio, Inc. v. Int’l Trade Comm’n*, 605 F.3d 1330 (Fed. Cir. 2010). The Federal Circuit affirmed the Commission’s other infringement determinations. The Federal Circuit remanded the case in part to the Commission for an order consistent with the Court’s opinion.

In light of the above, the Commission has determined to modify the limited exclusion order issued on April 10, 2010. Accordingly, the Commission hereby **ORDERS** that:

1. Digital televisions and products containing the same (known as “combination” or “combo” units) that are covered by one or more of claims 1, 5, and 23 of the ‘074 patent and that are manufactured abroad by or on behalf of, or are imported by or on behalf of, SBC, Taiwan Kolin, Proview International, Proview Shenzhen, Proview Technology, TPV Technology, TPV USA, Top Victory, and Envision or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, are 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 patent, except under license of the patent owner or as provided by law.

2. “Work-around” products of respondents are not covered by paragraph 1. “Work-around” products are products found not to infringe by the Federal Circuit.¹

¹ *See Vizio, Inc. v. Int’l Trade Comm’n*, 605 F.3d 1330, 1335 (Fed. Cir. 2010).

3. At the discretion of U.S. Customs and Border Protection (“CBP”) and pursuant to procedures it establishes, persons seeking to import digital televisions 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 paragraph 1 of this Order. At its discretion, CBP 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 digital televisions 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 Rule 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 on each party of record in this investigation and on CBP.

7. This Order shall be published in the *Federal Register*.

By Order of the Commission.

A handwritten signature in black ink, appearing to read "Marilyn R. Abbott", written in a cursive style.

Marilyn R. Abbott
Secretary to the Commission

Issued: December 21, 2010

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

In the Matter of

**CERTAIN DIGITAL TELEVISIONS AND
CERTAIN PRODUCTS CONTAINING SAME
AND METHODS OF USING SAME**

Inv. No. 337-TA-617

MODIFIED ORDER TO CEASE AND DESIST

IT IS HEREBY ORDERED THAT Envision Peripherals, Inc., 47490 Seabridge Drive, Fremont, California, 94538, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), and soliciting U.S. agents or distributors for, digital televisions and products containing same that infringe one or more of claims 1, 5, and 23 of U.S. Patent No. 6,115,074 (“the ‘074 patent”) in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

Definitions

As used in this Order:

(A) “Commission” shall mean the United States International Trade Commission.

(B) “Complainants” shall mean Funai Electric Co., Ltd., 7-1, 7-Chome, Nakagaito, Daito City, Osaka, 574-0013, Japan; and Funai Corporation, Inc., 201 Route 17, North, Suite 903, Rutherford, New Jersey 07070.

(C) “Respondent” means Envision Peripherals, Inc., 47490 Seabridge Drive, Fremont, California, 94538.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(F) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(G) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(H) The term “covered products” shall mean digital televisions and products containing same that infringe one or more of claims 1, 5, and 23 of the ‘074 patent. This term does not include the “work-around” products found not to infringe by the United States Court of Appeals for the Federal Circuit. *See Vizio, Inc. v. Int’l Trade Comm’n*, 605 F.3d 1330 (Fed. Cir. 2010).

II.

Applicability

The provisions of this Modified Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, or otherwise on behalf of, Respondent.

III.

Conduct Prohibited

The following conduct of the Respondent in the United States is prohibited by the Order. For the remaining term of the patent, Respondent shall not:

(A) import or sell for importation into the United States covered products;

- (B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation), in the United States imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV.

Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, the owner of the '074 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States.

V.

Reporting

For purposes of this reporting requirement, the reporting periods shall commence on July 1 of each year and shall end on the subsequent June 30. This reporting requirement shall continue in force until such time as Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of covered products that the Respondent has imported or sold in the United States after importation during the reporting

period and the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI.

Record Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the exportation to and the importation into the United States and the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission, upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal office during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary form as are required to be retained by subparagraph VI(A) of this Order.

VII.

Service of Modified Cease and Desist Order

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII (A) of this Order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the date of expiration of the '074 patent.

VIII.

Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX.

Enforcement

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

X.

Modification

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

By Order of the Commission.

A handwritten signature in black ink, appearing to read "Marilyn R. Abbott", written in a cursive style.

Marilyn R. Abbott
Secretary to the Commission

Issued: December 21, 2010

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

In the Matter of

**CERTAIN DIGITAL TELEVISIONS AND
CERTAIN PRODUCTS CONTAINING SAME
AND METHODS OF USING SAME**

Inv. No. 337-TA-617

MODIFIED ORDER TO CEASE AND DESIST

IT IS HEREBY ORDERED THAT TPV International (USA) Inc., 3737 Executive Center Drive, Suite 261, Austin, Texas, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), and soliciting U.S. agents or distributors for, digital televisions and products containing same that infringe one or more of claims 1, 5, and 23 of U.S. Patent No. 6,115,074 (“the ‘074 patent”) in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

Definitions

As used in this Order:

(A) “Commission” shall mean the United States International Trade Commission.

(B) “Complainants” shall mean Funai Electric Co., Ltd., 7-1, 7-Chome, Nakagaito, Daito City, Osaka, 574-0013, Japan; and Funai Corporation, Inc., 201 Route 17, North, Suite 903, Rutherford, New Jersey 07070.

(C) “Respondent” means TPV International (USA) Inc., 3737 Executive Center Drive, Suite 261, Austin, Texas.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(F) "United States" shall mean the fifty States, the District of Columbia, and Puerto Rico.

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs laws of the United States.

(H) The term "covered products" shall mean digital televisions and products containing same that infringe one or more of claims 1, 5, and 23 of the '074 patent. This term does not include the "work-around" products found not to infringe by the United States Court of Appeals for the Federal Circuit. *See Vizio, Inc. v. Int'l Trade Comm'n*, 605 F.3d 1330 (Fed. Cir. 2010).

II.

Applicability

The provisions of this Modified Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, or otherwise on behalf of, Respondent.

III.

Conduct Prohibited

The following conduct of the Respondent in the United States is prohibited by the Order. For the remaining term of the patent, Respondent shall not:

(A) import or sell for importation into the United States covered products;

- (B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation), in the United States imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV.

Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, the owner of the '074 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States.

V.

Reporting

For purposes of this reporting requirement, the reporting periods shall commence on July 1 of each year and shall end on the subsequent June 30. This reporting requirement shall continue in force until such time as Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of covered products that the Respondent has imported or sold in the United States after importation during the reporting

period and the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI.

Record Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the exportation to and the importation into the United States and the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission, upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal office during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary form as are required to be retained by subparagraph VI(A) of this Order.

VII.

Service of Modified Cease and Desist Order

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII (A) of this Order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the date of expiration of the '074 patent.

VIII.

Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX.

Enforcement

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

X.

Modification

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

By Order of the Commission.

A handwritten signature in black ink, appearing to read 'Marilyn R. Abbott', with a large, sweeping flourish extending to the right.

Marilyn R. Abbott
Secretary to the Commission

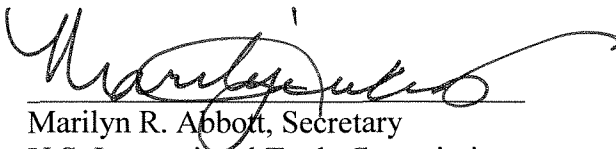
Issued: December 21, 2010

**CERTAIN DIGITAL TELEVISIONS AND CERTAIN
PRODUCTS CONTAINING SAME AND METHODS OF
USING SAME**

**337-TA-617
(Violation)**

CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **NOTICE OF COMMISSION DETERMINATION TO MODIFY A LIMITED EXCLUSION ORDER AND CEASE AND DESIST ORDERS** has been served by hand upon the Commission Investigative Attorney David O. Lloyd, Esq., and the following parties as indicated, on
December 21, 2010



Marilyn R. Abbott, Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

**On Behalf of Complainants Funai Electric Co., Ltd. and
Funai Corporation:**

G. Brian Busey, Esq.
MORRISON & FOERSTER LLP
2000 Pennsylvania Avenue, NW, Suite 5500
Washington, DC 20006

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

On Behalf of Respondent Syntax-Brilliant Corporation:

Michael J. Miller, Esq.
General Counsel
SYNTAX-BRILLIAN CORPORATION
1600 North Desert Drive
Tempe, AZ 85281

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

**On Behalf of Respondents TPV Technology, Ltd.; TPV
International (USA), Inc.; Top Victory Electronics
(Taiwan) Co., Ltd.; and, Envision Peripherals, Inc.:**

V. James Adduci II, Esq.
ADDUCI MASTRIANI & SCHAUMBERG LLP
1200 Seventeenth Street, NW—Fifth Floor
Washington, DC 20036

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

**On Behalf of Respondents Vizio, Inc.; Amtran
Technology Co., Ltd.; Proview International Holdings,
Ltd.; Proview Technology (Shenzhen) Co., Ltd.; and,
Proview Technology, Inc.:**

Brian Koo, Esq.
SIDLEY & AUSTIN
1501 K Street, NW
Washington, DC 20005

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

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

In the Matter of

**CERTAIN DIGITAL TELEVISIONS AND
CERTAIN PRODUCTS CONTAINING SAME
AND METHODS OF USING SAME**

Investigation No. 337-TA-617

**NOTICE OF COMMISSION FINAL DETERMINATION OF VIOLATION OF
SECTION 337; TERMINATION OF INVESTIGATION; ISSUANCE OF LIMITED
EXCLUSION ORDER AND CEASE AND DESIST ORDERS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined that there is a violation of 19 U.S.C. § 1337 by Vizio, Inc. of Irvine, California (“Vizio”); AmTran Technology Co., Ltd. of Taiwan (“AmTran”); Syntax-Brilliant Corporation of Tempe, Arizona (“SBC”); Taiwan Kolin Co., Ltd. of Taiwan (“Taiwan Kolin”); Proview International Holdings, Ltd. of Hong Kong (“Proview International”); Proview Technology (Shenzhen) Co., Ltd. of China (“Proview Shenzhen”); Proview Technology, Ltd. of Garden Grove, California (“Proview Technology”); TPV Technology, Ltd. of Hong Kong (“TPV Technology”); TPV International (USA), Inc. of Austin, Texas (“TPV USA”); Top Victory Electronics (Taiwan) Co., Ltd. of Taiwan (“Top Victory”); and Envision Peripherals, Inc. of Fremont, California (“Envision”) (collectively, “respondents”) in the above-captioned investigation. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Daniel E. Valencia, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-1999. 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 November 15, 2007, based on a complaint filed by Funai Electric Co., Ltd. of Japan and Funai Corporation of Rutherford, NJ (collectively “Funai”), alleging 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 digital televisions and certain products containing the same by reason of infringement of certain claims of United States Patent Nos. 5,329,369 (“the ‘369 patent”) and 6,115,074 (“the ‘074 patent”). 72 *Fed. Reg.* 64240 (November 15, 2007). The complaint named fourteen respondents. Subsequent to institution, certain respondents were terminated from the investigation based on settlement agreements.

On November 17, 2008, the ALJ issued his final initial determination (“ID”), finding that a violation of section 337 has occurred in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain digital televisions and certain products containing the same by reason of infringement of claims 1, 5, and 23 of the ‘074 patent. The ALJ found that no violation exists with respect to the ‘369 patent. Respondents, the Commission investigative attorney (“IA”), and complainant Funai each filed petitions for review of the ID on December 1, 2008. The IA, the respondents, and complainant Funai each filed responses to the petitions for review on December 9, 2008.

On February 11, 2009, the Commission determined to review the ALJ’s determination that the respondents infringe claim 23 of the ‘074 patent and requested written submissions on the issues under review, remedy, the public interest, and bonding. On February 24, 2009, the parties filed opening submissions, and on March 3, 2009, the parties filed response submissions. Several non-parties, including MediaTek, Inc., Taipei Economic and Cultural Representative Office, and Congressman Adam Schiff of California, also filed submissions addressing issues related to remedy, the public interest, and bonding.

On March 5, 2009, the respondents filed a motion for leave to file a sur-reply to Funai’s response submission on remedy, the public interest, and bonding. Both the IA and Funai opposed this motion. The Commission has determined to deny the respondents’ motion for leave to file a sur-reply.

Having examined the record of this investigation, including the ALJ’s final ID, the Commission has determined to (1) reverse the ALJ’s findings that the Proview and TPV respondents directly infringe claim 23 of the ‘074 patent and (2) affirm the ALJ’s conclusion that all respondents induce infringement of claim 23 of the ‘074 patent.

The Commission has determined that the appropriate form of relief is (i) a limited exclusion order prohibiting the unlicensed entry of digital televisions and products containing the same that infringe one or more of claims 1, 5, and 23 of the ‘074 patent and are manufactured abroad by or on behalf of, or imported by or on behalf of, Vizio, AmTran, SBC, Taiwan Kolin, Proview International, Proview Shenzhen, Proview Technology, TPV Technology, TPV USA, Top Victory, and Envision; and (ii) cease and desist orders against domestic respondents Vizio, Proview Technology, TPV USA, Envision and SBC.

The Commission further determined that the public interest factors enumerated in section 337(d) and (f)(19 U.S.C. § 1337(d), (f)) do not preclude issuance of the limited exclusion order and the cease and desist orders. Finally, the Commission determined that the amount of bond during the Presidential review period (19 U.S.C. § 1337(j)) shall be in the amount of two dollars and fifty cents (\$2.50) per article that is subject to the order. The Commission's order was delivered to the President and the United States Trade Representative on the day of its issuance.

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 210.42-50 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.42-50).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Marilyn R. Abbott", with a long, sweeping horizontal flourish extending to the right.

Marilyn R. Abbott
Secretary to the Commission

Issued: April 10, 2009

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN DIGITAL TELEVISIONS AND
CERTAIN PRODUCTS CONTAINING SAME
AND METHODS OF USING SAME**

Inv. No. 337-TA-617

ORDER TO CEASE AND DESIST

IT IS HEREBY ORDERED THAT Syntax-Brilliant Corporation of 1600 North Desert Drive, Tempe, Arizona, 85281, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), and soliciting U.S. agents or distributors for, digital televisions and products containing same that infringe one or more of claims 1, 5, and 23 of U.S. Patent No. 6,115,074 (“the ‘074 patent”) in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

Definitions

As used in this Order:

(A) “Commission” shall mean the United States International Trade Commission.

(B) “Complainants” shall mean Funai Electric Co., Ltd., 7-1, 7-Chome, Nakagaito, Daito City, Osaka, 574-0013, Japan, and Funai Corporation, Inc., 201 Route 17, North, Suite 903, Rutherford, New Jersey 07070.

(C) "Respondent" shall mean Syntax-Brilliant Corporation of 1600 North Desert Drive, Tempe, Arizona, 85281.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(F) "United States" shall mean the fifty States, the District of Columbia, and Puerto Rico.

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs laws of the United States.

(H) The term "covered products" shall mean digital televisions and products containing same that infringe one or more of claims 1, 5, and 23 of the '074 patent.

II.

Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, or otherwise on behalf of, Respondent.

III.

Conduct Prohibited

The following conduct of the Respondent in the United States is prohibited by the Order. For the remaining term of the patent, Respondent shall not:

(A) import or sell for importation into the United States covered products;

- (B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation), in the United States imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV.

Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, the owner of the '074 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States.

V.

Reporting

For purposes of this reporting requirement, the reporting periods shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date of issuance of this Order through June 30, 2009. This reporting requirement shall continue in force until such time as Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of covered products that the

Respondent has imported or sold in the United States after importation during the reporting period and the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI.

Record Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission, upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal office during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary form as are required to be retained by subparagraph VI(A) of this Order.

VII.

Service of Cease and Desist Order

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII (A) of this Order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the date of expiration of the '074 patent.

VIII.

Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX.

Enforcement

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

X.

Modification

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

XI.

Bonding

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 *Fed. Reg.* 43251), subject to Respondent posting a bond in the amount of \$2.50 per digital television or product containing same. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this order

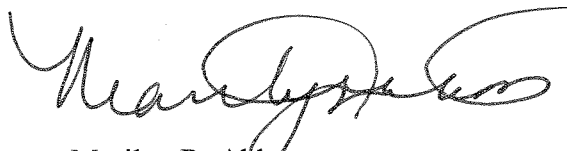
are subject to the entry bond as set forth in the general exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. *See* Commission Rule 210.68, 19 C.F.R. § 210.68. The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the United States Trade Representative approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved, or not disapproved, by the United States Trade Representative, upon service on Respondent of an order issued by the Commission based upon application therefore made by Respondent to the Commission.

By Order of the Commission.



Marilyn R. Abbott
Secretary to the Commission

Issued: April 10, 2009

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

In the Matter of

**CERTAIN DIGITAL TELEVISIONS AND
CERTAIN PRODUCTS CONTAINING SAME
AND METHODS OF USING SAME**

Inv. No. 337-TA-617

ORDER TO CEASE AND DESIST

IT IS HEREBY ORDERED THAT Proview Technology, Ltd., of 7373 Hunt Avenue, Garden Grove, California, 92841, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), and soliciting U.S. agents or distributors for, digital televisions and products containing same that infringe one or more of claims 1, 5, and 23 of U.S. Patent No. 6,115,074 (“the ‘074 patent”) in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

Definitions

As used in this Order:

(A) “Commission” shall mean the United States International Trade Commission.

(B) “Complainants” shall mean Funai Electric Co., Ltd., 7-1, 7-Chome, Nakagaito, Daito City, Osaka, 574-0013, Japan; and Funai Corporation, Inc., 201 Route 17, North, Suite 903, Rutherford, New Jersey 07070.

(C) "Respondent" means Proview Technology, Ltd., of 7373 Hunt Avenue, Garden Grove, California, 92841.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(F) "United States" shall mean the fifty States, the District of Columbia, and Puerto Rico.

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs laws of the United States.

(H) The term "covered products" shall mean digital televisions and products containing same that infringe one or more of claims 1, 5, and 23 of the '074 patent.

II.

Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, or otherwise on behalf of, Respondent.

III.

Conduct Prohibited

The following conduct of the Respondent in the United States is prohibited by the Order. For the remaining term of the patent, Respondent shall not:

(A) import or sell for importation into the United States covered products;

- (B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation), in the United States imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV.

Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, the owner of the '074 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States.

V.

Reporting

For purposes of this reporting requirement, the reporting periods shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date of issuance of this Order through June 30, 2009. This reporting requirement shall continue in force until such time as Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of covered products that the

Respondent has imported or sold in the United States after importation during the reporting period and the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI.

Record Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the exportation to and the importation into the United States and the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission, upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal office during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary form as are required to be retained by subparagraph VI(A) of this Order.

VII.

Service of Cease and Desist Order

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII (A) of this Order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the date of expiration of the '074 patent.

VIII.

Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX.

Enforcement

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

X.

Modification

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

XI.

Bonding

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 *Fed. Reg.* 43251), subject to Respondent posting a bond in the amount of \$2.50 per covered product. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this order are subject to the entry

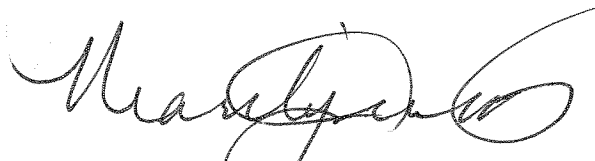
bond as set forth in the limited exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. *See* Commission Rule 210.68, 19 C.F.R. § 210.68. The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the United States Trade Representative approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved, or not disapproved, by the United States Trade Representative, upon service on Respondent of an order issued by the Commission based upon application therefore made by Respondent to the Commission.

By Order of the Commission.



Marilyn R. Abbott
Secretary to the Commission

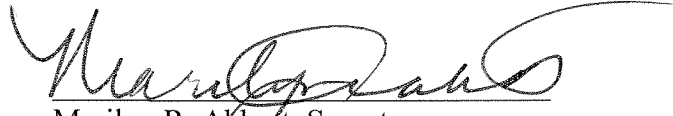
Issued: April 10, 2009

**CERTAIN DIGITAL TELEVISIONS AND CERTAIN
PRODUCTS CONTAINING SAME AND METHODS OF
USING SAME**

337-TA-617

PUBLIC CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **NOTICE OF COMMISSION FINAL DETERMINATION OF VIOLATION OF SECTION 337; TERMINATION OF INVESTIGATION; ISSUANCE OF LIMITED EXCLUSION ORDER AND CEASE AND DESIST ORDERS** has been served by hand upon the Commission Investigative Attorney David O. Lloyd, Esq., and the following parties as indicated, on April 10, 2009.


Marilyn R. Abbott, Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

**ON BEHALF OF COMPLAINANTS FUNAI
ELECTRIC CO., LTD. AND FUNAI
CORPORATION:**

G. Brian Busey, Esq.
MORRISON & FOERSTER LLP
2000 Pennsylvania Avenue, NW
Suite 5500
Washington, DC 20006
P-202-887-1500
F-202-887-0763

- Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

**ON BEHALF OF RESPONDENT SYNTAX-
BRILLIAN CORPORATION:**

Michael J. Miller, Esq.
General Counsel
SYNTAX-BRILLIAN CORPORATION
1600 North Desert Drive
Tempe, AZ 85281
P-602-389-8888
F-602-389-8801

- Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

**ON BEHALF OF RESPONDENTS TPV
TECHNOLOGY, LTD., TPV INTERNATIONAL
(USA), INC., TOP VICTORY ELECTRONICS
(TAIWAN) CO., LTD., AND ENVISION
PERIPHERALS, INC.:**

V. James Adduci II, Esq.
ADDUCI MASTRIANI & SCHAUMBERG LLP
1200 Seventeenth Street, NW- Fifth Floor
Washington, DC 20036
P-202-467-6300
F-202-466-2006

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

**ON BEHALF OF RESPONDENTS PROVIEW
INTERNATIONAL HOLDINGS, LTD., PROVIEW
TECHNOLOGY (SHENZHEN) CO., LTD., PROVIEW
TECHNOLOGY, INC., VIZIO, INC. AND AMTRAN
TECHNOLOGY CO., LTD:**

Brian Koo, Esq.
SIDLEY & AUSTIN
1501 K Street, NW
Washington, DC 20005
P-202-736-8000
F-202-736-8711

Via Hand Delivery
 Via Overnight Mail
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GOVERNMENT AGENCIES:

Edward T. Hand, Chief
Foreign Commerce Section
Antitrust Division
U.S. Department of Justice
450 5th Street NW – Room 11000
Washington, DC 20530
P-202-514-2464

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George F. McCray
U.S. Bureau of Customs and Border Protection
Intellectual Property Rights Branch
Mint Annex Building
799 9th Street, NW
Washington, DC 20001
202-325-0082

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

Elizabeth Kraus, Deputy Director
International Antitrust, Office of
International Affairs
Federal Trade Commission
600 Pennsylvania Avenue, Room 498
Washington, DC 20580
P-202-326-2649

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 Via Overnight Mail
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Richard Lambert, Esq.
Office of Technology Development Services
Dept. of Health & Human Services
National Institutes of Health
6610 Rockledge Drive - Room 2800
MSC 6606
Bethesda, MD 20892
P-301-496-2644

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 Via Overnight Mail
 Via First Class Mail
 Other: _____

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

In the Matter of

**CERTAIN DIGITAL TELEVISION
PRODUCTS AND CERTAIN PRODUCTS
CONTAINING SAME AND METHODS OF
USING SAME**

Investigation No. 337-TA-617

**NOTICE OF COMMISSION DETERMINATION TO RESCIND A LIMITED
EXCLUSION ORDER AND CEASE AND DESIST ORDER AGAINST CERTAIN
RESPONDENTS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to rescind a limited exclusion order and cease and desist order issued in the above-captioned investigation with respect to Vizio, Inc. (“Vizio”) and AmTran Technology Co., Ltd. (“AmTran”).

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. 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 November 15, 2007, based on a complaint filed by Funai Electric Co., Ltd. of Japan and Funai Corporation of Rutherford, New Jersey (collectively “Funai”) against several respondents including Vizio and AmTran. 72 *Fed. Reg.* 64240 (2007). The complaint alleged violations 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 television products and certain products containing same by reason of infringement of one or more claims of U.S. Patent Nos. 6,115,074 (“the ‘074 patent”) and 5,329,369 (“the ‘369 patent”).

On April 10, 2009, the Commission terminated this investigation with a finding of violation of Section 337 by reason of infringement of claims 1, 5, and 23 of the ‘074 patent. 74 *Fed. Reg.* 17511 (2009). The Commission determined that the appropriate form of relief is (1) a limited exclusion order under 19 U.S.C. § 1337(d)(1) prohibiting the unlicensed entry of certain digital television products and certain products containing the same that infringe one or more of claims 1, 5, and 23 of the ‘074 patent, and are manufactured abroad by or on behalf of, or imported by or on behalf of the respondents, including Vizio and AmTran, or any of their affiliated companies, parents, subsidiaries, or other related business entities, or any of their successors or assigns; and (2) cease and desist orders directed to several respondents, including Vizio.

On August 14, 2009, Funai filed a complaint, asserting that certain respondents, including and Suzhou Raken Technology, Ltd. (“Suzhou”), have violated the Commission’s limited exclusion order and cease and desist orders and seeking enforcement under Commission Rule 210.75 (19 C.F.R. § 210.75) and temporary emergency action under Commission Rule 210.77 (19 C.F.R. § 210.77). Suzhou is a joint venture company established in September 2009 by AmTran and LG Display Co., Ltd. Funai included Suzhou in its enforcement complaint pursuant to the provisions in the limited exclusion order that cover “affiliated companies, parents, subsidiaries, or other related business entities” and the provisions in the Cease and Desist orders that applies to “controlled (whether by stock ownership or otherwise) and majority owned business entities engaging in [prohibited conduct], for, with, or otherwise on behalf of” a named Respondent. Funai accused Suzhou of selling infringing digital televisions sold under at least the brand names Vizio® and Gallevia® in China and then importing them into the United States.

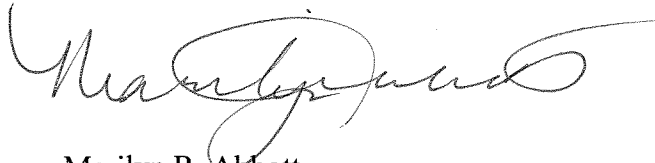
On May 25, 2010, Funai and Vizio, AmTran, and Suzhou (collectively “the Vizio Respondents”) filed a joint motion to terminate the investigation and the enforcement proceeding as to the Vizio Respondents based on a settlement agreement. On May 28, 2010, the ALJ issued an ID granting the joint motion. On June 18, 2010, the Commission determined not to review the ID.

On June 29, 2010, Funai and the Vizio Respondents filed a joint motion for rescission of the remedial orders against Vizio and AmTran pursuant to the settlement agreement. On July 7, 2010, the Commission investigative attorney filed a response supporting the motion.

Having reviewed the parties’ submissions, the Commission has determined that the settlement agreement satisfies the requirement of Commission Rule 210.76 (a)(1) (19 C.F.R. § 210.76(a)(1)) that there be changed conditions of fact or law. The Commission therefore has issued an order rescinding the limited exclusion order and cease and desist orders previously issued in this investigation with respect to Vizio and AmTran.

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 section 210.76(a)(1) of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.76(a)(1)).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Marilyn R. Abbott", written in a cursive style.

Marilyn R. Abbott
Secretary to the Commission

Issued: August 9, 2010

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

In the Matter of

**CERTAIN DIGITAL TELEVISION
PRODUCTS AND CERTAIN PRODUCTS
CONTAINING SAME AND METHODS OF
USING SAME**

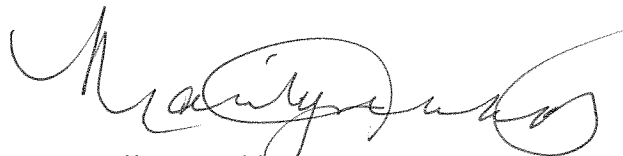
Investigation No. 337-TA-617

**ORDER: RESCISSION OF LIMITED EXCLUSION ORDER AND CEASE AND DESIST
ORDERS AS TO VIZIO, INC. AND AMTRAN TECHNOLOGY CO., LTD**

Upon consideration of the joint petition by Complainants Funai Electric Co., Ltd. and Funai Corporation, Inc. and Respondents Vizio, Inc. (“Vizio”), AmTran Technology Co., Ltd. (“AmTran”), and Suzhou Raken Technology, Ltd., the Commission hereby **ORDERS** that:

1. The joint petition for rescission of the limited exclusion order with respect to Vizio and AmTran and the cease and desist order to Vizio previously issued in the investigation is GRANTED.
2. The Secretary will serve this Order on the parties to this investigation and the Secretary of the Treasury, and publish notice thereof in the *Federal Register*.

By order of the Commission.



Marilyn R. Abbott
Secretary to the Commission

Issued: August 9, 2010

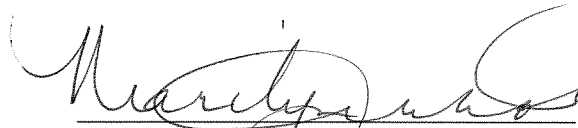
**CERTAIN DIGITAL TELEVISIONS AND CERTAIN
PRODUCTS CONTAINING SAME AND METHODS OF
USING SAME**

**337-TA-617
(Violation)**

CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **NOTICE OF COMMISSION DETERMINATION TO RESCIND A LIMITED EXCLUSION ORDER AND CEASE AND DESIST ORDER AGAINST CERTAIN RESPONDENTS** has been served by hand upon the Commission Investigative Attorney David O. Lloyd, Esq., and the following parties as indicated, on

August 10, 2010



Marilyn R. Abbott, Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

**On Behalf of Complainants Funai Electric Co., Ltd. and
Funai Corporation:**

G. Brian Busey, Esq.
MORRISON & FOERSTER LLP
2000 Pennsylvania Avenue, NW, Suite 5500
Washington, DC 20006

- Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

On Behalf of Respondent Syntax-Brilliant Corporation:

Michael J. Miller, Esq.
General Counsel
SYNTAX-BRILLIAN CORPORATION
1600 North Desert Drive
Tempe, AZ 85281

- Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

**On Behalf of Respondents TPV Technology, Ltd.; TPV
International (USA), Inc.; Top Victory Electronics
(Taiwan) Co., Ltd.; and, Envision Peripherals, Inc.:**

V. James Adduci II, Esq.
ADDUCI MASTRIANI & SCHAUMBERG LLP
1200 Seventeenth Street, NW—Fifth Floor
Washington, DC 20036

- Via Hand Delivery
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 Via First Class Mail
 Other: _____

On Behalf of Envision Peripherals, Inc.:

V. James Adduci II, Esq.
ADDUCI MASTRIANI & SCHAUMBERG LLP
1200 Seventeenth Street, NW- Fifth Floor
Washington, DC 20036

- Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

**On Behalf of Respondents Vizio, Inc.; Amtran
Technology Co., Ltd.; Proview International Holdings,
Ltd.; Proview Technology (Shenzhen) Co., Ltd.; and,
Proview Technology, Inc.:**

Brian Koo, Esq.
SIDLEY & AUSTIN
1501 K Street, NW
Washington, DC 20005

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 Via Overnight Mail
 Via First Class Mail
 Other: _____

GOVERNMENT AGENCIES:

Edward T. Hand, Chief
Foreign Commerce Section
Antitrust Division
U.S. Department of Justice
450 5th Street NW – Room 11000
Washington, DC 20530

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- Via Overnight Mail
- Via First Class Mail
- Other: _____

U.S. Bureau of Customs and Border Protection
Intellectual Property Rights Branch
Mint Annex Building
799 9th Street, NW -7th floor
Washington, DC 20229-1177

- Via Hand Delivery
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Elizabeth Kraus, Deputy Director
International Antitrust, Office of
International Affairs
Federal Trade Commission
600 Pennsylvania Avenue, Room 498
Washington, DC 20580

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Richard Lambert, Esq.
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National Institutes of Health
6610 Rockledge Drive - Room 2800, MSC 6606
Bethesda, MD 20892

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- Other: _____

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

In the Matter of

CERTAIN DIGITAL TELEVISION
PRODUCTS AND CERTAIN PRODUCTS
CONTAINING SAME AND METHODS OF
USING SAME

Inv. No. 337-TA-617

**NOTICE OF COMMISSION DETERMINATION TO RESCIND A LIMITED
EXCLUSION ORDER AND CEASE AND DESIST ORDERS AS TO CERTAIN
RESPONDENTS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to rescind the limited exclusion order and cease and desist orders issued in the above-captioned investigation as to TPV Technology, Ltd.; TPV International (USA), Inc.; Top Victory Electronics (Taiwan) Co., Ltd.; and Envision Peripherals, Inc. (collectively, "the TPV respondents") based on a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Daniel E. Valencia, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-1999. 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 November 15, 2007, based on a complaint filed by Funai Electric Co., Ltd. of Japan and Funai Corporation of Rutherford, New Jersey (collectively "Funai"), alleging 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 digital televisions and certain products containing same by reason of infringement of certain claims of United States Patent Nos. 5,329,369 ("the '369 patent") and 6,115,074 ("the '074 patent"). The complaint named several respondents

including the TPV respondents; and Vizio, Inc. and AmTran Technology Co., Ltd. (collectively, "the Vizio respondents).

On April 10, 2009, the Commission made its final determination in the investigation finding a violation of section 337 with regard to the '074 patent and no violation with respect to the '369 patent. The Commission issued a limited exclusion order and several cease and desist orders.

On August 9, 2010, the Commission determined to rescind the limited exclusion order and cease and desist orders as to the Vizio respondents based on a joint motion regarding a settlement between Funai and the Vizio respondents.


On December 21, 2010, the Commission modified the limited exclusion order and cease and desist orders based on a decision of the United States Court of Appeals for the Federal Circuit in *Vizio, Inc. v. Int'l Trade Comm'n*, 605 F.3d 1330 (Fed. Cir. 2010).

On May 31, 2011, Funai and the TPV respondents filed a joint petition to rescind the modified remedial orders as to the TPV respondents. According to the joint petition, these parties have settled their dispute.

The Commission has determined that the settlement satisfies the requirement of Commission Rule 210.76 (a)(1) (19 C.F.R. § 210.76(a)(1)) that there be changed conditions of fact or law. The Commission therefore has issued an order rescinding the limited exclusion order and cease and desist orders previously issued in this investigation as to the TPV respondents. The Commission's remedial orders remain in effect against the following respondents: Syntax-Brilliant Corporation; Taiwan Kolin Co., Ltd.; Proview International Holdings, Ltd.; Proview Technology (Shenzhen) Co., Ltd.; and Proview Technology, Ltd.

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 section 210.76(a)(1) of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.76(a)(1)).

By order of the Commission.


James R. Holbein
Secretary to the Commission


Issued: July 13, 2011

**CERTAIN DIGITAL TELEVISIONS AND CERTAIN
PRODUCTS CONTAINING SAME AND METHODS OF
USING SAME**

337-TA-617

CERTIFICATE OF SERVICE

I, James R. Holbein, hereby certify that the attached **NOTICE** has been served by hand upon the Commission Investigative Attorney David O. Lloyd, Esq., and the following parties as indicated, on **July 13, 2011**



James R. Holbein, Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

**On Behalf of Complainants Funai Electric Co., Ltd. and
Funai Corporation:**

G. Brian Busey, Esq.
MORRISON & FOERSTER LLP
2000 Pennsylvania Avenue, NW, Suite 5500
Washington, DC 20006

() Via Hand Delivery
() Via Overnight Mail
 Via First Class Mail
() Other: _____

**On Behalf of Respondents TPV Technology, Ltd.; TPV
International (USA), Inc.; Top Victory Investments,
Ltd.; Top Victory Electronics (Taiwan) Co., Ltd.; and,
Envision Peripherals, Inc.:**

V. James Adduci II, Esq.
ADDUCI MASTRIANI & SCHAUMBERG LLP
1200 Seventeenth Street, NW- Fifth Floor
Washington, DC 20036

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

In the Matter of

CERTAIN DIGITAL TELEVISION
PRODUCTS AND CERTAIN PRODUCTS
CONTAINING SAME AND METHODS OF
USING SAME


Investigation No. 337-TA-617

**ORDER: RESCISSION OF LIMITED EXCLUSION ORDER AND CEASE AND
DESIST ORDERS AS TO CERTAIN RESPONDENTS**

Upon consideration of the joint petition by Complainants Funai Electric Co., Ltd. and Funai Corporation, Inc. and Respondents TPV Technology, Ltd.; TPV International (USA), Inc.; Top Victory Electronics (Taiwan) Co., Ltd.; and Envision Peripherals, Inc. (collectively, "the TPV respondents"), the Commission hereby **ORDERS** that:

1. The joint petition for rescission of the limited exclusion order and the cease and desist orders issued in the investigation as to the TPV respondents is **GRANTED**.
2. The Secretary will serve this Order on the parties to this investigation and the Secretary of the Treasury, and publish notice thereof in the *Federal Register*.

By order of the Commission.


James R. Holbein
Secretary to the Commission


Issued: July 13, 2011

CERTAIN DIGITAL TELEVISIONS AND CERTAIN PRODUCTS CONTAINING SAME AND METHODS OF USING SAME

337-TA-617

CERTIFICATE OF SERVICE

I, James R. Holbein, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney David O. Lloyd, Esq., and the following parties as indicated, on **July 13, 2011**


James R. Holbein, Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

On Behalf of Complainants Funai Electric Co., Ltd. and Funai Corporation:

G. Brian Busey, Esq.
MORRISON & FOERSTER LLP
2000 Pennsylvania Avenue, NW, Suite 5500
Washington, DC 20006

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

On Behalf of Respondents TPV Technology, Ltd.; TPV International (USA), Inc.; Top Victory Investments, Ltd.; Top Victory Electronics (Taiwan) Co., Ltd.; and, Envision Peripherals, Inc.:

V. James Adduci II, Esq.
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