

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN TV PROGRAMS, LITERARY
WORKS FOR TV PRODUCTION AND
EPISODE GUIDES**

Investigation No. 337-TA-886

**NOTICE OF COMMISSION DETERMINATION TO CLARIFY THE DATE FOR
DETERMINING WHETHER TO REVIEW AN INITIAL DETERMINATION (ORDER
NO. 22) AND TO EXTEND THE DATE FOR DETERMINING WHETHER TO REVIEW
A SEPARATE INITIAL DETERMINATION (ORDER NO. 18)**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to clarify that the date for determining whether to review an initial determination (“ID”) (Order No. 22) of the presiding administrative law judge (“ALJ”) terminating the investigation in its entirety is April 25, 2014. The Commission has further determined to extend the date for determining whether to review a separate initial determination (Order No. 18) granting Respondents’ motion for summary determination of no copyright infringement in the above captioned investigation to the same day, April 25, 2014.

FOR FURTHER INFORMATION CONTACT: Jia Chen, Esq., 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 July 15, 2013, based on a complaint filed by E.T. Radcliffe, LLC of Dallas Texas and Emir Tiar of Coto De Caza, California (collectively, “Complainants”), alleging violations of 19 U.S.C. § 1337(a)(1)(B), in the importation and sale of certain TV programs, literary works for TV production and episode guides pertaining to same by reason of infringement of U.S. Copyright

Nos. PAU003-415849, TXU001832727, and PAU00363 9268. The complaint also alleged violations of 19 U.S.C. § 1337(a)(1)(A) by reason of unfair methods of competition and unfair acts, the threat or effect of which is to substantially injure an industry in the United States. The complaint named The Walt Disney Company of Burbank, California; Thunderbird Films, Inc. of Los Angeles, California; and Mindset Television, Inc. of Canada (collectively, “Respondents”) as the proposed respondents.

On January 6, 2014, Respondents filed a motion for summary determination pursuant to Commission Rule 210.18, alleging that there are no genuine issues of material fact in dispute with respect to copyright infringement and that they are entitled to a determination of no copyright infringement as a matter of law. On February 6, 2014, the presiding ALJ issued an ID (Order No. 18) granting Respondents’ motion.

On February 6, 2014, the ALJ issued Order No. 19 to show cause why Complainants’ claim based on unfair methods of competition should not be terminated. On February 12, 2014, Complainants filed a response. On February 14, 2014, the Respondents filed a response to the order to show cause and to Complainants’ response. On February 18, 2014, the ALJ issued Order No. 21, providing Complainants with three days to reply to the Respondents’ response. On February 21, 2014, the Complainants filed a reply. On February 21, 2014, the ALJ issued an ID (Order No. 22) terminating the investigation in its entirety and denying the remaining motions as moot.

The Commission has determined to clarify that the date for determining whether to review the ID terminating the investigation in its entirety (Order No. 22) is April 25, 2014. The Commission has further determined to extend the date for determining whether to review the ID granting summary determination of no copyright infringement (Order No. 18) to the same date, April 25, 2014.

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

By order of the Commission.



Lisa R. Barton
Acting Secretary to the Commission

Issued: February 28, 2014