

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

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 AIPTTEK INTERNATIONAL INC. 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. 17) of the presiding administrative law judge (“ALJ”) finding respondent Aiptek International Inc. (“Aiptek”) of Hsinchu, Taiwan in default in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, 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 Aiptek. The complaint and notice of investigation were served on Aiptek on September 22, 2011. Aiptek 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) an order directing respondent Aiptek to show cause why it 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 Aiptek in default upon its failure to show cause.

On November 18, 2011, the ALJ issued Order No. 13 which required several respondents, including Aiptek, 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. Aiptek responded to the show cause order with a request for an additional two weeks to consider whether to enter into a settlement agreement with TPL or respond to the complainant and notice of investigation.

The ALJ issued Order No. 15 on December 6, 2011. This order, which was served on Aiptek on the same date, provided Aiptek with a two week extension of time, until December 20, 2011, to either move to terminate the investigation as to itself or respond to the complaint and notice of investigation. Order No. 15 made clear that the ALJ would find Aiptek in default if it failed to meet the December 20, 2011 deadline. No response was received from Aiptek to Order No. 15.

The ALJ issued the subject ID on December 22, 2011, finding Aiptek in default, pursuant to 19 C.F.R. §§ 210.13 and 210.16, because it did not respond to the complaint and notice of investigation, or to Order No. 15. 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, Aiptek has 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.

/s/
James R. Holbein
Secretary to the Commission

Issued: January 9, 2012