

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

In the Matter of

**CERTAIN ELECTRONIC DEVICES
HAVING PLACESHIFTING OR
DISPLAY REPLICATION AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-878

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION FINDING RESPONDENT
MONSOON MULTIMEDIA, INC., TO BE 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 the initial determination (“ID”) issued by the presiding administrative law judge (“ALJ”) on July 8, 2013, finding respondent Monsoon Multimedia, Inc. (“Monsoon”) to be in default in this investigation.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5468. 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: The Commission instituted this investigation on March 18, 2013, based on a complaint filed by Sling Media, Inc. (“Sling”). 77 Fed. Reg. 33487-88. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“section 337”), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic devices having placeshifting or display replication functionality, and products containing same, by reason of infringement of certain claims of U.S. Patent Nos. 7,725,912; 7,877,776; 8,051,454; 8,060,909; 8,266,657; and 8,365,236. The complaint

further alleges the existence of a domestic industry. The Commission's notice of investigation named as respondents Belkin International, Inc.; Monsoon Multimedia, Inc. ("Monsoon"); and C2 Microsystems, Inc. The Office of Unfair Import Investigations is not participating in this investigation.

On June 11, 2013, the ALJ ordered Monsoon to show cause by June 26, 2013, why it should not be held in default for failing to respond to the Complaint and Notice of Investigation. *See* Order No. 5 (June 11, 2013). On June 26, 2013, Monsoon did not respond to the show cause order, and instead moved to terminate the investigation based on a consent order.

On July 8, 2013, the presiding ALJ issued the ID, finding Monsoon to be in default for failing to respond to the show cause order. The ALJ found that Monsoon's motion to terminate on consent was defective and did not respond to the show cause order.

On July 15, 2013, Monsoon filed a contingent petition for review on the grounds that the ID affects Commission policy. The petition contends that the default finding should be reversed or remanded because Commission policy favors consent orders over default judgments. Additionally, the petition contends that Monsoon believed that its motion to terminate the investigation rendered the show cause order moot. On July 22, 2013, Sling opposed Monsoon's petition.

Having examined the record of this investigation, including the ALJ's ID, the petition for review, and the response thereto, the Commission has determined not to review the final ID.

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 210.42-46 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.42-46).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is fluid and cursive, with the first name "Lisa" and last name "Barton" clearly distinguishable.

Lisa R. Barton
Acting Secretary to the Commission

Issued: August 7, 2013