

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

**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 DENYING RESPONDENTS' JOINT  
MOTION TO STAY ENFORCEMENT OF A 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 to deny a motion to stay enforcement of a limited exclusion order and cease and desist orders pending appeal of the Commission's final determination of a violation of Section 337 by Vizio, Inc. of Irvine, California ("Vizio"); AmTran Technology Co., Ltd. of Taiwan ("AmTran"); 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.

**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”) against several respondents including Vizio, AmTran, TPV Technology, TPV USA, Top Victory, and Envision, among others. 72 *Fed. Reg.* 64240 (2007). The complaint alleges 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.

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, Vizio, AmTran, TPV Technology, TPV USA, Top Victory, and Envision, among others; and (2) cease and desist orders directed to Vizio, TPV USA, and Envision, among others.

On June 2, 2009, Respondents filed a joint motion to stay the limited exclusion and cease and desist orders pending appeal of the Commission’s determination to the U.S. Court of Appeals for the Federal Circuit. Funai and the Commission investigative attorney (“IA”) filed responses opposing the motion on June 12, 2009. On June 18, 2009, Respondents filed a motion for leave to file a joint reply in support of their motion to stay. The IA filed an opposition to this motion on June 29, 2009.

The Commission has determined to deny Respondents’ motion for a stay pending appeal of the remedial orders. Respondents’ motion for leave to file a joint reply in support of their motion to stay is also denied.

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 210.15 of the Commission’s Rules of Practice and Procedure (19 C.F.R. §§ 210.15).

By order of the Commission.  
Marilyn R. Abbott, Secretary to the Commission

William R. Bishop  
Acting Secretary to the Commission

Issued: July 28, 2009