



INTERNATIONAL TRADE COMMISSION

Investigation No. 337-TA-886

Certain TV Programs, Literary Works for TV Production and Episode Guides Pertaining to Same; Institution of Investigation Pursuant to 19 U.S.C. § 1337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on June 7, 2013, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of E.T. Radcliffe, LLC of Dallas, Texas and Emir Tiar of Coto De Caza, California. Supplements to the Complaint were filed June 25, 2013 and June 27, 2013. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain TV programs, literary works for TV production and episode guides pertaining to same by reason of infringement of U.S. Copyright PAU003415849 (“the ‘849 copyright”); U.S. Copyright TXU001832727 (“the ‘727 copyright”); and U.S. Copyright PAU003639268 (“the ‘268 copyright”), and that an industry in the United States exists as required by subsection (a)(2) of section 337. The complaint further alleges violations of section 337 based upon the importation, the sale for importation, and the sale within the United States after importation of certain TV programs, literary works for TV production and episode guides pertaining to same, by reason of

unfair methods of competition and unfair acts, the threat or effect of which is to destroy or substantially injure an industry in the United States.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (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>.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2013).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on July 9, 2013, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine:

(a) whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain TV programs, literary works for TV production and episode guides pertaining to same by reason of infringement of the '849 copyright; the '727 copyright; and the '268 copyright, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(b) whether there is a violation of subsection (a)(1)(A) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain TV programs, literary works for TV production and episode guides pertaining to same, by reason of unfair methods of competition and unfair acts, the threat or effect of which is to destroy or substantially injure an industry in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

E.T. Radcliffe, LLC
1445 Ross Avenue, Suite 2700
Dallas, TX 75202

Emir Tiar
31785 Via Coyote

Coto De Caza, CA 92679

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

The Walt Disney Company
500 South Buena Vista Street
Burbank, CA 91521

Thunderbird Films, Inc.
10675 Santa Monica Boulevard, Suite B
Los Angeles, CA 90025

Mindset Television, Inc.
708-1155 Pender Street
Vancouver, British Columbia, V6E 2P4
Canada

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be

considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Lisa R. Barton
Acting Secretary to the Commission

Issued: July 10, 2013.

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