

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
VIA Technologies, Inc.) File No. EB-02-TS-701
) NAL/Acct. No. 200532100001
) FRN # 0011606399
)
)
)

FORFEITURE ORDER

Adopted: December 17, 2004

Released: December 21, 2004

By the Chief, Spectrum Enforcement Division, Enforcement Bureau:

1. In this Forfeiture Order ("Order"), we issue a monetary forfeiture in the amount of fourteen thousand dollars (\$14,000) against VIA Technologies, Inc. ("VIA") for importing and marketing in the United States unauthorized radio frequency devices, specifically, its model EPIA-M and EPIA-CL computer central processing unit ("CPU") boards, in willful and repeated violation of Section 302(b) of the Communications Act of 1934, as amended ("Act"),¹ and Section 2.803(a) of the Commission's Rules ("Rules").²

2. On October 6, 2004, the Spectrum Enforcement Division issued a Notice of Apparent Liability for Forfeiture ("NAL") in the amount of \$14,000 to VIA.³ VIA has not filed a response to the NAL. Based on the information before us, we affirm this forfeiture.

3. Accordingly, IT IS ORDERED THAT, pursuant to Section 503(b) of the Act⁴, and Sections 0.111, 0.311 and 1.80(f)(4) of the Rules,⁵ VIA Technologies, Inc. IS LIABLE FOR A MONETARY FORFEITURE in the amount of fourteen thousand dollars (\$14,000) for willfully and repeatedly violating Section 302(b) of the Act and Section 2.803(a) of the Rules.

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within 30 days of the release of this Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.⁶ Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced above. Payment by check or money order may be mailed to Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482.

¹ 47 U.S.C. § 302a(b).

² 47 C.F.R. § 2.803(a).

³ VIA Technologies, Inc., 19 FCC Rcd 19526 (2004).

⁴ 47 U.S.C. § 503(b).

⁵ 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

⁶ 47 U.S.C. § 504(a).

Payment by overnight mail may be sent to Bank One/LB 73482, 525 West Monroe, 8th Floor Mailroom, Chicago, IL 60661. Payment by wire transfer may be made to ABA Number 071000013, receiving bank Bank One, and account number 1165259. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.⁷

5. **IT IS FURTHER ORDERED** that a copy of this *Forfeiture Order* shall be sent by first class mail and certified mail return receipt requested to VIA Technologies, Inc., 940 Mission Court, Fremont, CA 94539, and to its counsel, Douglas L. Povich, Esq., Squire, Sanders & Dempsey L.L.P., 14th Floor, 8000 Towers Crescent Drive, Tysons Corner, VA 22182-2700.

FEDERAL COMMUNICATIONS COMMISSION

Joseph P. Casey
Chief, Spectrum Enforcement Division
Enforcement Bureau

⁷ See 47 C.F.R. § 1.1914.