



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

April 28, 2005

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Ming-Hang Ho  
Gilsson Technologies  
2576 Barrington Court  
Hayward, CA 94545

Re: File No. EB-05-SE-005

Dear Mr. Ho:

This is an official **CITATION**, issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended ("Communications Act"), 47 U.S.C. § 503(b)(5), for importing and marketing an unauthorized radio frequency device in the United States in violation of Section 302(b) of the Communications Act, 47 U.S.C. § 302a(b), and Section 2.803(a) of the Commission's Rules ("Rules"), 47 C.F.R. § 2.803(a). As explained below, future violations of the Commission's rules in this regard may subject your company to monetary forfeitures.

By letter dated March 7, 2005,<sup>1</sup> the Spectrum Enforcement Division of the Commission's Enforcement Bureau initiated an investigation into whether Gilsson Technologies ("Gilsson") is marketing in the United States unauthorized radio frequency devices, specifically the R-1 and R-2 Re-Radiator GPS Antennas. You responded by letter dated March 26, 2005.<sup>2</sup> In your response, you admit that Gilsson began marketing the R-1 (RA-45) and R-2 (RA-46 or Vortech) Re-Radiator GPS Antennas around March 2002, and that the devices were available through your website [www.gilsson.com](http://www.gilsson.com), through [eBay.com](http://eBay.com), and an "antenna" brochure. In addition, you stated that Gilsson has sold 50 units of R-1 and 100 units of R-2 Re-Radiator GPS Antennas.<sup>3</sup> You identified the manufacturer of the devices as San Jose Navigation, Inc., a company headquartered in Taipei, Taiwan.

You further stated that Gilsson had assumed that San Jose Navigation had secured any and all certifications for the R-1 and R-2 Re-Radiator GPS Antennas, as it did with other GPS

---

<sup>1</sup> See Letter from Kathryn S. Berthot, Deputy Division, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, to Ming-Hang Ho, Gilsson Technologies (March 7, 2005).

<sup>2</sup> See Letter from Ming-Hang Ho, Gilsson Technologies, to Thomas Fitz-Gibbon and Yasin Ozer, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission (March 26, 2005) ("Response").

<sup>3</sup> You also indicated that Gilsson has permanently removed the R-1 and R-2 Re-Radiator GPS Antennas from its website.

related devices. You indicated that as an importer of finished goods you were not aware of FCC regulations relating to certification and asserted that you rely solely on the manufacturers of goods to obtain certifications and approvals prior to exporting to the United States. In addition, you asserted that Gilsson had no reason to suspect that San Jose Navigation had not secured necessary FCC certifications for its extensive exports to the United States. You acknowledged that the R-1 and R-2 Re-Radiator GPS Antennas were not certified in accordance with Commission rules.

Section 302(b) of the Act provides that “[n]o person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section.” Section 2.803(a)(1) of the Commission’s implementing regulations provides that:

no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless ... [i]n the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled as required by § 2.925 and other relevant sections in this chapter.

Pursuant to Section 15.201(b) of the Rules, 47 C.F.R. § 15.201(b), intentional radiators, such as the R-1 and R-2 Re-Radiator GPS Antennas, must be authorized in accordance with the FCC’s certification procedures prior to the initiation of marketing in the United States. Moreover, the R-1 and R-2 Re-Radiator GPS Antennas operate in frequency bands used for GPS, which are within the restricted frequency bands listed in Section 15.205(a) of the Rules, 47 C.F.R. § 15.205(a). Section 15.205(a) allows intentional radiators to transmit only spurious emissions<sup>4</sup> in the restricted frequency bands. Thus, the R-1 and R-2 Re-Radiator GPS Antennas apparently cannot comply with the FCC’s technical standards and therefore would not be capable of receiving a grant of equipment certification. Furthermore, Gilsson admits in its letter of March 26, 2005 that the manufacturer does not hold a certification for the R-1 and R-2 Re-Radiator GPS Antennas.<sup>5</sup> Accordingly, it appears that Gilsson has violated Section 302(b) of the Act and Section 2.803(a) of the Rules by importing and marketing in the United States unauthorized radio frequency devices.

Your letter of March 26, 2005 indicates that Gilsson ordered 350 R-1 and 250 R-2 Re-Radiator GPS Antennas on March 1, 2005, and Gilsson expects the order to be delivered to its warehouse soon. You are cautioned that the marketing of this shipment would constitute a further violation of Section 302(b) of the Act and Section 2.803(a) of the Rules.

**If, after receipt of this citation, you violate the Communications Act or the Commission’s rules in any manner described herein, the Commission may impose monetary**

---

<sup>4</sup> 47 C.F.R. § 2.1 defines spurious emissions as “Emission on a frequency or frequencies which are outside the necessary bandwidth and the level of which may be reduced without affecting the corresponding transmission of information. Spurious emissions include harmonic emissions, parasitic emissions, intermodulation products and frequency conversion products, but exclude out-of-band emissions.”

<sup>5</sup> Response at 2.

**forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation.**<sup>6</sup>

If you choose to do so, you may respond to this citation within 30 days from the date of this letter either through (1) a personal interview at the Commission's Field Office nearest to your place of business, or (2) a written statement. Your response should specify the actions that you are taking to ensure that you do not violate the Commission's rules governing the marketing of radio frequency equipment in the future.

**The nearest Commission field office appears to be the San Francisco Office in Pleasanton, California. Please call Yasin Ozer at 202-418-1210 if you wish to schedule a personal interview. You should schedule any interview to take place within 30 days of the date of this letter. You should send any written statement within 30 days of the date of this letter to:**

Kathryn Berthot  
Deputy Chief, Spectrum Enforcement Division  
Enforcement Bureau  
Federal Communications Commission  
445-12<sup>th</sup> Street, S.W., Rm. 7-C802  
Washington, D.C. 20554

Under the Privacy Act of 1974, 5 U.S.C. § 552(a)(e)(3), we are informing you that the Commission's staff will use all relevant material information before it, including information that you disclose in your interview or written statement, to determine what, if any, enforcement action is required to ensure your compliance with the Communications Act and the Commission's rules.

The knowing and willful making of any false statement, or the concealment of any material fact, in reply to this citation is punishable by fine or imprisonment under 18 U.S.C. § 1001.

Thank you in advance for your anticipated cooperation.

Sincerely,

Kathryn Berthot  
Deputy Chief, Spectrum Enforcement Division  
Enforcement Bureau  
Federal Communications Commission

---

<sup>6</sup> See 47 C.F.R. § 1.80(b)(3).