



**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

August 22, 2005

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

Alex Wei,  
Product Manager  
Blitzz Technology, Inc.  
53 Parker  
Irvine, CA 92618

Re: File No. EB-04-SE-253

Dear Mr. Wei:

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 marketing unlabeled radio frequency devices 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)(1) of the Commission's Rules ("Rules"), 47 C.F.R. § 2.803(a)(1). As explained below, future violations of the Commission's rules in this regard may subject your company to monetary forfeitures.

By letter dated December 7, 2004, the Spectrum Enforcement Division of the Commission's Enforcement Bureau initiated an investigation into whether Blitzz Technology, Inc. ("Blitzz") is marketing in the United States unauthorized radio frequency devices, specifically, the Super G Wireless – 108 Mbps 802.11g Wireless PCI Adaptor, model number BWI 715 ("model number BWI 715 wireless adaptor"). This letter was in response to a complaint alleging that the model number BWI 715 wireless adaptor did not appear to have an FCC ID posted on the unit or on the packaging and was being sold to consumers by Wal-Mart.

At the time of that letter, we confirmed from your website, [www.blitzzusa.com](http://www.blitzzusa.com), and from the Wal-Mart website, [www.walmart.com](http://www.walmart.com), that the model number BWI 715 wireless adaptor was being offered for sale in the United States.

In response to our letter of inquiry, you sent us a letter dated February 1, 2005 (envelope postmarked May 2, 2005). In this letter you claimed that the device does have a valid FCC certification, FCC ID number KA22003070025-1, which was granted to D-Link Corporation ("D-Link"). You also provided a copy of a letter from D-Link authorizing Blitzz to use D-Link's FCC ID for your BWI-715 wireless adaptor. The letter from D-Link also stated that this device is identical in all respects to the original, certified equipment. You did not deny that the wireless adaptor sold by Blitzz did not have the proper labeling described in Section 2.925(a)(1), 47 C.F.R. § 2.925(a)(1), and required prior to marketing by Section 2.803(a)(1) of the Rules, 47 C.F.R. § 2.803(a)(1). You said that you have stopped the

importation of this device and will not import it in the future, but you did not indicate if you intended to label, or otherwise cease marketing, any unlabeled inventory that may still remain in your possession within the U.S. We caution you that the marketing of any remaining inventory of unlabeled wireless adaptors would constitute a further violation of Section 302(b) of the Act and Section 2.803(a) of the 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.

Accordingly, it appears that Blitzz has violated Section 302(b) of the Act and Section 2.803(a)(1) of the Rules by marketing in the United States the unlabeled radio frequency devices listed above.

**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 forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation.<sup>1</sup>**

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 Los Angeles District Office, in Cerritos, California. Please call Gabriel Collazo at 202-418-1160 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:**

Brian Butler  
Assistant Chief, Spectrum Enforcement Division  
Enforcement Bureau  
Federal Communications Commission  
445-12<sup>th</sup> Street, S.W., Rm. 7-A629  
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.

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<sup>1</sup> See 47 C.F.R. § 1.80(b)(3).

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