



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

July 13, 2006

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**AND FACSIMILE**

OvisLink Technologies, Corp.  
Attn: James Ho  
1301 John Reed Court  
City of Industry, CA 91745

Re: File No. EB-05-SE-018

Dear Mr. Ho:

This is an official **CITATION**, issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (“Act”),<sup>1</sup> for marketing unauthorized radio frequency devices, specifically, external radio frequency power amplifiers, in the United States in violation of Section 302(b) of the Act<sup>2</sup> and Sections 2.803 and 15.204(d) of the Commission’s Rules (“Rules”).<sup>3</sup> As explained below, future violations of the Commission’s rules in this regard may subject your company to monetary forfeitures.

On August 2, 2005, staff from the Spectrum Enforcement Division (“SED”) of the Commission’s Enforcement Bureau visited the internet web site store for OvisLink products, <http://store.ovislink.com> (“OvisLink online store”). The OvisLink online store listed several models of “power boosters,” or external radio frequency power amplifiers, for individual sale and use in the unlicensed 2.4 GHz band, including the following models:

- 1) WPA-2400EG23 (200 mW indoor booster, \$286.00)
- 2) WPA-2400 (1 W outdoor booster, \$252.00)
- 3) WPA-2400IB-20 (100 mW indoor booster, \$65.00)
- 4) WPA-2400IG-23 (200 mW indoor booster, \$102.00, alternatively listed as WAP-2400IG-23)

On September 7, 2005 and November 15, 2005,<sup>4</sup> the Spectrum Enforcement Division (“Division”) of the Commission’s Enforcement Bureau issued letters of inquiry (“LOI”) to OvisLink

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<sup>1</sup> 47 U.S.C. § 503(b)(5).

<sup>2</sup> 47 U.S.C. § 302a(b).

<sup>3</sup> 47 C.F.R. §§ 2.803 and 15.204(d).

<sup>4</sup> See Letters from Kathryn Berthot, Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, to OvisLink Technologies, Corp. (September 7 and November 18, 2005).

Technologies, Corp. (“OvisLink”) requesting information as to whether OvisLink was marketing certain external radio frequency power amplifiers in the United States.

In its response to the Division’s November 15, 2005 LOI, OvisLink stated that it did not manufacture any of the external radio frequency power amplifiers.<sup>5</sup> Rather, OvisLink identified Argtek Communications, Inc. (“Argtek”), a company located in Taipei, Taiwan, as the manufacturer of the amplifiers. OvisLink further stated that it imported two samples of each of the following models of external radio frequency power amplifiers: the WPA-2400IG-20, WPA-2400IB-20, WPA-2400IB-23, WPA-2400IB-27, and WPA-2400EG-23. OvisLink claimed that after evaluating these items, however, it decided not to import the units for sale.<sup>6</sup> Additionally, OvisLink submitted copies of “certificates” for certain amplifiers which it had received from Argtek. These “certificates” in fact were labeled as “Declaration of Conformity” (“DOC”) test reports.<sup>7</sup> Finally, OvisLink claimed that it currently does not market these devices for sale in the United States.

Subsequently, on January 25, 2006, the Division staff observed that OvisLink was marketing certain models of external radio frequency power amplifiers on its website. Specifically, we note that the following models of power amplifiers were being advertised and marketed for individual sale on OvisLink's internet online store, <http://store.ovislinkonline.com>, on January 25, 2006:

- 1) WPA-2400EG-27 (500 mW outdoor booster, \$299.00)
- 2) WPA-2400EG-30 (1 W outdoor booster, \$356)
- 3) WPA-2400 (1 W outdoor booster, \$252.00)
- 4) WPA-2400IB-20 (100 mW indoor booster, \$65.00, alternatively listed as WAP-2400IB-20)
- 5) WPA-2400IB-23 (200 mW indoor booster, \$69.00, alternatively listed as WAP-2400IB-23)
- 6) WPA-2400IG-20 (100 mW indoor booster, \$102.00, alternatively listed as WAP-2400IG-20)
- 7) WPA-2400IG-23 (200 mW indoor booster, \$102.00, alternatively listed as WAP-2400IG-23)
- 8) WPA-2400IG-27 (500 mW indoor booster, \$136.00, alternatively listed as WAP-2400IG-27)

The company information page, <http://store.ovislinkonline.com/info.html>, stated on January 25, 2006 that it offered “Free UPS Ground shipping within the U.S. for any order over \$150!” It also advised visitors of a 8.25% tax “on orders shipped to California, U.S.”

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

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<sup>5</sup> See E-mail from James Ho, OvisLink Technologies, Corp. to Jackie Ellington, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission (December 2, 2005).

<sup>6</sup> *Id.*

<sup>7</sup> A Declaration of Conformity is a procedure where the responsible party, as defined in 47 C.F.R. § 2.909, makes measurements or takes other necessary steps to ensure that the equipment complies with the appropriate technical standards. 47 C.F.R. § 2.906.

rules in this chapter and is properly identified and labeled as required by § 2.925 and other relevant sections in this chapter.

Section 15.204(a) of the Rules provides that:

Except as otherwise described in paragraphs (b) and (d) of this section, no person shall use, manufacture, sell or lease, offer for sale or lease (including advertising for sale or lease), or import, ship or distribute for purpose of selling or leasing, any external radio frequency power amplifier or amplifier kit intended for use with a part 15 intentional radiator.<sup>8</sup>

Further, Section 15.204(d)(1) provides that:

Except as described in this paragraph, an external radio frequency power amplifier or amplifier kit shall be marketed only with the system configuration with which it was approved and not as a separate product. An external radio frequency power amplifier may be marketed for individual sale provided it is intended for use in conjunction with a transmitter that operates in the 902–928 MHz, 2400–2483.5 MHz, and 5725–5850 MHz bands pursuant to §15.247 of this part or a transmitter that operates in the 5.725–5.825 GHz band pursuant to §15.407 of this part. The amplifier must be of a design such that it can only be connected as part of a system in which it has been previously authorized.

The “certificates” submitted by OvisLink are labeled as DOC test reports. External radio frequency power amplifiers are intentional radiators subject to certification<sup>9</sup> rather than DOC authorization procedures. Furthermore, our review of the FCC's equipment authorization database does not show these devices to be certified as part of any transmission system. As set forth above, OvisLink marketed<sup>10</sup> these power amplifiers for individual sale on its website on August 2, 2005 and January 25, 2006.

Accordingly, it appears that OvisLink has violated Section 302(b) of the Act and Sections 2.803 and 15.204(d) of the Rules by marketing in the United States for individual sale external radio frequency power amplifiers that have not been certified as part of a transmission system.

**If, after receipt of this citation, OvisLink violates 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>11</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 OvisLink is taking to ensure that

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<sup>8</sup> 47 C.F.R. § 15.3(o) defines an intentional radiator as “A device that intentionally generates radio frequency energy by radiation or induction.”

<sup>9</sup> Certification is an equipment authorization issued by the Commission, based on representations and test data submitted by the applicant. 47 C.F.R. § 2.907(a).

<sup>10</sup> 47 C.F.R. § 2.803(e)(4) defines marketing as the “sale or lease, or offering for sale or lease, including advertising for sale or lease, or importation, shipment, or distribution for the purpose of selling or leasing or offering for sale or lease.”

<sup>11</sup> See 47 C.F.R. § 1.80(b)(3).

it does not violate the Commission's rules governing the marketing of external radio frequency power amplifiers in the future.

**The nearest Commission field office is the Los Angeles Office in Los Angeles, CA. Please call Jackie Ellington at 202-418-1153 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 S. Berthot  
Deputy Chief, Spectrum Enforcement Division  
Enforcement Bureau  
Federal Communications Commission  
445-12<sup>th</sup> Street, SW, Rm. 7-C802  
Washington, DC 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 S. Berthot  
Deputy Chief, Spectrum Enforcement Division  
Enforcement Bureau  
Federal Communications Commission