



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

August 10, 2006

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard Mazursky
CEO and President
Digital Innovations, L.L.C.
3436 N. Kennicott Avenue, Suite 200
Arlington Heights, IL 60004

Re: File No. EB-06-SE-259

Dear Mr. Mazursky:

This is an official **CITATION**, issued to Digital Innovations, L.L.C. ("Digital Innovations") 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 two non-compliant radio frequency devices in the United States in violation of Section 302(b) of the Communications Act, 47 U.S.C. § 302(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.

Following receipt of a complaint alleging that Digital Innovations is marketing in the United States two radio frequency devices, specifically, the Security Dr. PC Defender Screen Lock and the Security Dr. Wireless Separation Alarm, that do not comply with the periodic operation limits set forth in Section 15.231(e) of the Rules, 47 C.F.R. § 15.231(e), the Enforcement Bureau provided samples of the two devices to the Commission's Office of Engineering and Technology ("OET") Laboratory for testing. The OET Laboratory tested the devices and determined that they do not comply with Section 15.231(e) of the Rules.

On June 21, 2006, we issued a Letter of Inquiry ("LOI") to Digital Innovations.¹ In your response dated July 18, 2006,² you acknowledged that you have marketed the Security Dr. PC Defender Screen Lock and the Security Dr. Wireless Separation Alarm in the United States since May 18, 2005. You stated that Digital Innovations imported 29,008 and sold 17,045 PC Defender Screen Locks and imported 23,520 and sold 8,169 Wireless Separation Alarms. Furthermore, you indicated that the devices

¹ Letter from Kathy Berthot, Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau, to Richard Mazursky, CEO and President of Digital Innovations, L.L.C. (June 21, 2006).

² Letter from Richard Mazursky, CEO and President of Digital Innovations, L.L.C., to Peter Waltonen, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission (July 18, 2006).

were certified³ and manufactured by Keymark Technology Company, Ltd. of Taiwan. You further stated that on November 18, 2005, you ceased importing the PC Defender Screen Lock device and on October 25, 2005, you ceased importing the Wireless Separation Alarm. You indicated that you ceased importation of these two devices due to the lack of demand for each device.

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.

Section 15.201(b) of the Rules, 47 C.F.R. § 15.201(b), provides that intentional radiators, such as the PC Defender Screen Lock and the Wireless Separation Alarm, must be certified prior to the initiation of marketing in the United States. Additionally, Section 15.231(e) of the Rules provides that devices shall be provided with a means for automatically limiting operation so that the duration of each transmission shall not be greater than one second and the silent period between transmissions shall be in no case less than 10 seconds. As noted above, the OET Laboratory has tested the PC Defender Screen Lock and the Wireless Separation Alarm and has determined that the transmitters do not comply with the periodic operation limits of section 15.231(e) of the Rules.

Accordingly, it appears that Digital Innovations has violated Section 302(b) of the Act, and Section 2.803(a) of the Rules by marketing in the United States radio frequency devices that do not meet the FCC’s technical requirements. You further stated in your LOI response that you have stopped the importation of these devices, but you did not indicate if you intended to cease marketing any inventory that may still remain in your possession within the U.S. We caution you that the marketing of any remaining inventory of these non-compliant radiofrequency devices 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 forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation.⁴

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 Chicago Office in Chicago, Illinois. Please call Peter Waltonen at 202-418-1160 if you wish to schedule a personal interview. You

³ Certification is an equipment authorization issued by the Commission or a Telecommunication Certification Body, based on representations and test data submitted by the applicant. 47 C.F.R. § 2.907. Keymark was issued a certification for the PC Defender Screen Lock on December 23, 2003 under FCC ID: PG8KW101T. Keymark was issued a certification for the Wireless Separation Alarm on June 3, 2002 under FCC ID: PG8101T01.

⁴ See 47 C.F.R. § 1.80(b)(3).

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:

Peter Waltonen
Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission
445-12th Street, S.W., Rm. 7-A721
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