



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

October 13, 2006

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

Kachun Wong
LightObject d/b/a Actionbuy Trading Co.
3069 Freeport Blvd.
Sacramento, California 95818

Re: File No. EB-05-SE-294

Dear Mr. Wong:

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 in the United States certain wireless cameras, specifically, 10 Watt 1.2 GHz Wireless Camera Video AV Transmitter Receivers (“1.2 GHz wireless cameras”), that are not eligible to receive a grant of equipment certification, in violation of Section 302(b) of the Communications Act, 47 U.S.C. § 302a(b), and Sections 2.803 and 15.205(a) of the Commission’s Rules (“Rules”), 47 C.F.R. §§ 2.803 and 15.205(a). As explained below, future violations of the Commission’s rules in this regard may subject your company to monetary forfeitures.

On August 30, 2005, the Spectrum Enforcement Division (“Division”) of the Enforcement Bureau received a complaint alleging that LightObject d/b/a Actionbuy Trading Co. (“LightObject”) was marketing on eBay wireless cameras that operate in the .96 - 1.215 GHz band, a restricted frequency band under Section 15.205(a) of the Rules that is allocated for aeronautical navigation use.

On September 1, 2005 and March 17, 2006, Division staff visited the internet store for LightObject products, www.lightobject.com (“LightObject online store”). The LightObject online store listed the 1.2 GHz wireless camera for sale with a pre-order link to purchase the device. Additionally, the staff visited LightObject’s eBay store, “CoolEyesStore,” and observed that the wireless camera was offered for sale with an option to “Buy It Now.” Further, the item description for the wireless camera indicated that it transmits on frequency 1.2 GHz.

On March 20, 2006,¹ the Division issued a letter of inquiry (“LOI”) to LightObject requesting information as to whether LightObject was marketing the 1.2 GHz wireless camera in the United States.

In its response to the Division’s LOI, LightObject admitted that it markets the 1.2 GHz wireless camera but indicated that it does not manufacture the device.² Rather, LightObject identified Shenzhen

¹ See Letter from Kathryn Berthot, Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, to LightObject d/b/a Actionbuy Trading Co. (March 20, 2006).

Germany Electronic Limited (“Shenzhen”), a company located in China, as the manufacturer. LightObject further stated that it began importing the wireless camera on December 29, 2004 and sold 20 units, but discontinued importing the device on January 21, 2005. Additionally, LightObject explained that the wireless camera was only marketed on eBay and listed on the LightObject online store, which it stated has been closed. LightObject also stated that it is not sure whether the wireless camera has received a grant of equipment certification and is unfamiliar with FCC regulations. Finally, LightObject stated that it currently does not market the wireless camera for sale in the United States and ceased to exist as a business entity in 2005.

Subsequently, on August 23, 2006, the Division staff observed that LightObject’s online store was still active. The staff found, however, that the links previously directing customers to the 1.2 GHz wireless camera had been removed. The staff also visited LightObject’s active eBay store and did not find the 1.2 GHz wireless camera advertised for sale there.

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 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.

Additionally, Section 2.803(g) of the Rules provides that:

Devices that could not be operated or legally authorized under the current rules . . . shall not be operated, advertised, displayed, offered for sale or lease, sold or leased, or otherwise marketed absent a license issued under part 5 of the Chapter or a special temporary authorization issued by the Commission.

Pursuant to Section 15.201(b) of the Rules, 47 C.F.R. § 15.201(b), intentional radiators must be authorized in accordance with the FCC’s certification procedures prior to the initiation of marketing in the United States. However, the 1.2 GHz wireless camera operates within the restricted frequency bands listed in Section 15.205(a) of the Rules.³ Thus, the wireless camera cannot comply with the FCC’s technical standards and therefore cannot be certificated or marketed. Accordingly, it appears that LightObject has violated Section 302(b) of the Act and Sections 2.803 and 15.205(a) of the Rules by marketing in the United States radio frequency devices that are not eligible to receive a grant of certification.

² See Letter from Kachun Wong to Neal McNeil, Spectrum Enforcement Division, Enforcement Bureau (April 24, 2006).

³ Section 15.205(a) allows intentional radiators to transmit only spurious emissions in the restricted frequency bands. 47 C.F.R. § 2.1 defines spurious emissions as “[e]missions 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.” The 1.2 GHz wireless camera purposely transmits RF energy on restricted frequencies.

If, after receipt of this citation, LightObject 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.⁴

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 LightObject is taking to ensure that it does not violate the Commission's rules governing the marketing of radio frequency devices in the future.

The nearest Commission field office is the San Francisco Office in San Francisco, CA. Please call Neal McNeil at 202-418-2408 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
Chief, Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission
445-12th Street, S.W., Rm. 3-C366
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 S. Berthot
Chief, Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission

⁴ See 47 C.F.R. § 1.80(b)(3).