

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

**In the Matter of**

**CERTAIN MULTIMEDIA DISPLAY AND  
NAVIGATION DEVICES AND SYSTEMS,  
COMPONENTS THEREOF, AND PRODUCTS  
CONTAINING SAME**

**Inv. No. 337-TA-694**

**Order No. 13**

Respondents Garmin Corporation and Garmin International, Inc. have filed a Motion to Compel Deposition of Complainants' Japanese Employees Outside of Japan. (Motion No. 694-5). Complainants Pioneer Corporation and Pioneer Electronics (USA), Inc. oppose the motion. The Commission Investigative Staff also opposes the motion.<sup>1</sup> Respondents' motion to compel is denied.

Article 17 of the United-States - Japan Bilateral Consular Convention of 1963 (15 U.S.T. 768) requires that depositions in Japan must be taken at either the United States Embassy in Tokyo or at a consular office in Japan.<sup>2</sup> An order from a U.S. District Court directing that the depositions be taken in Japan is required. Also, American attorneys planning to attend the deposition in Japan must obtain a deposition visa.

Apparently, it is respondents' intention to depose at least 40 of complainants' employees in Japan. Mot. Mem. at 2-4. Because of what the respondents' characterize as Article 17's

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<sup>1</sup> Respondents' motion for leave to submit a reply is granted. (Motion No. 694-6).

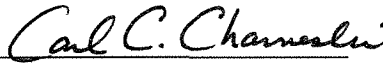
<sup>2</sup> Respondents state that their choices are between the U.S. Embassy in Tokyo and the U.S. Consulate in Osaka. Mot. Mem. at 4.

imposing “significant burdens on American attorneys taking depositions in Japan – burdens that are not imposed on American attorneys taking depositions in the United States, Korea or Hong Kong,” respondents request an order from this tribunal directing that the depositions instead take place “outside of Japan, preferably in the United States, with alternatives including Korea and Hong Kong.” Mot. at 1.

Respondents’ request for relief is premature. In that regard, they seek to by-pass the governing procedures of Article 17 to remedy deposition problems in this investigation which have yet to occur. Presently, there are no discovery disputes to be resolved regarding respondents’ deposing complainants’ employees in Japan. However, should such specific problems occur in the future, and should the private parties be unable to work out a practical solution amongst themselves, then at that time respondents may renew their request for an appropriate remedy from this tribunal.

Accordingly, Motion No. 694-5 is denied.

So Ordered.

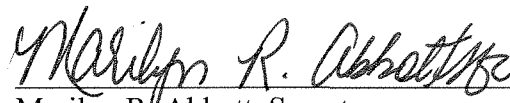
  
Carl C. Charneski  
Administrative Law Judge

Issued: March 8, 2010

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**PUBLIC CERTIFICATE OF SERVICE**

I, Marilyn R. Abbott, hereby certify that the attached **ORDER NO. 13** has been served by hand upon the Commission Investigative Attorney, Christopher G. Paulraj, Esq., and the following parties as indicated, on March 8, 2010.



Marilyn R. Abbott, Secretary  
U.S. International Trade Commission  
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