INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–925]

Certain Communications or Computing Devices and Components Thereof; Commission Determination Not To Review an Initial Determination Terminating the Investigation in Its Entirety Based Upon Settlement; Termination of Investigation; and Vacatur of Order No. 34


ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge has issued a final initial determination and recommended determination on remedy and bonding in the above-captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief, specifically a limited exclusion order against certain marine sonar imaging systems, products containing the same, and components thereof, imported by respondents Garmin International, Inc.; Garmin North America, Inc.; Garmin USA, Inc., each of Olathe, Kansas, and Garmin Corporation of New Taipei City, Taiwan, and a cease and desist order against the domestic respondents. This notice is soliciting public interest comments from the public only. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3042. The public record of this investigation may be accessed on EDIS at http://edis.usitc.gov. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 21, 2014, based on a Complaint filed by Enterprise Systems Technologies S.a.r.l. of Luxembourg (“Enterprise”). 79 FR 49537–38 (Aug. 21, 2014). The Complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain communications or computing devices and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 6,691,302 (“the ’302 patent”); 5,870,610; 6,594,366; and 7,454,201. The notice of investigation named the following respondents: HTC Corporation of Taoyuan, Taiwan; HTC America, Inc. of Bellevue, Washington; LG Electronics Inc. of Seoul, Republic of Korea; LG Electronics USA, Inc. of Englewood Cliffs, New Jersey; LG Electronics MobileComm U.S.A., Inc. of San Diego, California; Samsung Electronics Co. Ltd. of Seoul, Republic of Korea; Samsung Electronics America, Inc. of Ridgefield Park, New Jersey; Samsung Telecommunications America, LLC of Richardson, Texas (collectively, “Remaining Respondents”); Apple Inc. of Cupertino, California (“Apple”); and Cirrus Logic Inc. of Austin, Texas (“Cirrus”). The Office of Unfair Import Investigations was also named as a party to the investigation.

On September 9, 2014, the ALJ issued an initial determination, Order No. 6, granting intervenor status to Google Inc. of Mountain View, California (“Google”). On March 9, 2015, the ALJ issued an ID, Order No. 20, terminating the investigation as to Cirrus. On June 5, 2015, the ALJ issued an ID, Order No. 37, terminating the investigation as to Apple. The Commission determined not to review those IDs.

On May 21, 2015, the ALJ issued Order No. 34, an initial determination terminating the ’302 patent from the investigation based upon a lack of standing. Enterprise filed a petition for review on May 28, 2015. The parties subsequently moved for a 60-day extension to file any further briefing on the issue. The Commission granted the motion on June 1, 2015, and extended the date for determining whether to review Order No. 34 to August 21, 2015. Thus, Order No. 34 remains outstanding.

Dated: June 18, 2015.

Jonathan Meade,
Deputy Regional Director, Northeast Region, National Park Service.

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On June 22, 2015, Enterprise, Remaining Respondents, and Google jointly moved to terminate the investigation in its entirety based upon settlement. On June 29, 2015, the Commission investigative attorney filed a response in support of the motion. No other responses to the motion were received.

The ALJ issued the subject ID on July 1, 2015, and a corrected version on July 17, 2015, granting the joint motion for termination. The ALJ found that the settlement agreement satisfies the requirements of Commission Rule 210.21(b). She further found, pursuant to Commission Rule 210.50(b)(2), that there is no indication that termination of the investigation would adversely impact the public interest. No one petitioned for review of the ID.

The Commission has determined not to review the ID as corrected. In light of the settlement, the Commission has determined to vacate Order No. 34 as moot.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.
Issued: July 23, 2015.
Lisa R. Barton,
Secretary to the Commission.

INTERNATIONAL TRADE COMMISSION

Investigation No. 337-TA-931

Certain Formatted Magnetic Data Storage Tapes and Cartridges Containing Same; Commission Determination Not To Review an Initial Determination Terminating the Investigation Based on Settlement


ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Order No. 19) by the presiding administrative law judge ("ALJ") terminating the above-captioned investigation based on settlement.

FOR FURTHER INFORMATION CONTACT:
Clark S. Cheney, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2661. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2661. General information concerning the Commission may also be obtained by accessing its Internet server (http://edis.usitc.gov). The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at http://edis.usitc.gov. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on September 29, 2014, based on a complaint filed by Advanced Research Corporation of White Bear Lake, Minnesota ("ARC"). 79 FR 58382–83 (Sept. 29, 2014). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based on infringement of five U.S. patents. The notice of investigation, as amended, named the following respondents: Fujifilm Holdings Corporation of Tokyo, Japan; Fujifilm Corporation of Tokyo, Japan; Fujifilm Recording Media USA, Inc., of Bedford, Massachusetts; Oracle Corporation of Redwood Shores, California; Oracle America, Inc., of Redwood Shores, California; and International Business Machines Corp. of Armonk, New York. The Office of Unfair Import Investigations was also named as a party. Id. at 58383; 79 FR 78905 (Dec. 31, 2014).

On June 19, 2015, ARC and all respondents filed a joint motion to terminate the investigation based on a settlement agreement between ARC and all respondents. On June 26, 2015, the Commission investigative attorney filed a response supporting the motion.

On June 29, 2015, the ALJ issued the subject ID, granting the motion to terminate the investigation. The ALJ found that the motion complied with Commission Rules and that termination would be in the public interest. No petitions for review of the ID were filed. The Commission has determined not to review the ID.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.
Issued: July 24, 2015.
Lisa R. Barton,
Secretary to the Commission.

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Members of SGiP 2.0, Inc.

Notice is hereby given that, on June 29, 2015, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 et seq. ("the Act"), Members of SGiP 2.0, Inc. ("SGiP 2.0") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, National Energy Technology Laboratory (NETL), Morgantown, WV; Open Geospatial Consortium (OGC), Wayland, MA; OMNETRIC Corp., Minnetonka, MN; National Instruments, Austin, TX; Opus One Solutions, Richmond Hill, Ontario, CANADA; ITOCHU Corporation, Tokyo, JAPAN; GridIntellect LLC, Madison, AL; Inman Technology, Cambridge, MA; Xtenible Solutions, Greenwood Village, CO; and Southern California Edison (SCE), Westminster, CA, have been added as parties to this venture.

Also, Kyocera Telecommunications Research Center (KTRC), Fremont, CA; The Associated General Contractors of America, Arlington, VA; RCES Center from Univ. of Texas at El Paso, El Paso, TX; Arizona Public Service Company, Phoenix, AZ; California Independent System Operator Corporation, Folsom, CA; CenterPoint Energy Houston Electric, Houston, TX; Clevest Solutions, Inc., Richmond, British Columbia, CANADA; Coordination Science Laboratory—University of Illinois, Urbana, IL; HomePlug Powerline Alliance, Inc., Beaverton, OR; India Smart Grid Forum (ISGF), New Delhi, INDIA; Kottage Industries LLC, Worthington, OH; Mitsubishi Electric Research Labs, Cambridge, MA; MobiComm Communications, The Hague, NETHERLANDS; Telecommunications Industry Association (TIA), Arlington, VA; Tennessee Valley Authority—Chattanooga, TN; UPnP Forum,