

On April 27, 2015, the ALJ issued his final initial determination on remand (“RID”). The ALJ found that the accused Nokia handsets meet the limitations “generated using a same code” and “the message being transmitted only subsequent to the subscriber unit receiving the indication” recited in the asserted claims of the ’966 and ’847 patents. The ALJ also found that the pilot signal (P-CPICH) in the 3GPP standard practiced by the accused Nokia handsets satisfies the limitation “synchronize to the pilot signal” recited in the asserted claim of the ’847 patent. The ALJ further found that the currently imported Nokia handsets, which contain chips that were not previously adjudicated, infringe the asserted claims of the ’966 and ’847 patents. The ALJ also found that there is no evidence of patent hold-up by InterDigital, but that there is evidence of reverse hold-up by the respondents. The ALJ found that the public interest does not preclude issuance of an exclusion order. The ALJ did not issue a Recommended Determination on remedy or bonding.

On May 11, 2015, MMO and Nokia Inc. (collectively, “MMO”) filed a petition for review of certain aspects of the RID, including infringement, domestic industry, and the public interest. Also on May 11, 2015, Nokia filed a petition for review of the RID with respect to infringement, domestic industry, and whether the Commission has jurisdiction over Nokia following the sale of its handset business to MMO. Further on May 11, 2015, the Commission investigative attorney (“IA”) filed a petition for review of the RID’s finding of infringement.

On May 19, 2015, InterDigital filed a response to MMO’s and the IA’s petitions for review. Also on May 19, 2015, MMO filed a response to the IA’s petition for review. Further on May 19, 2015, the IA filed a response to MMO’s and Nokia’s petitions for review.

On June 3, 2015, InterDigital filed a statement on the public interest pursuant to Commission Rule 210.50(a)(4). Also on June 3, 2015, several non-parties filed responses to the Commission Notice issued on May 4, 2015, including: United States Senator Robert Casey, Jr. of Pennsylvania; Microsoft Corporation; Intel Corporation, Cisco Systems, Inc., Dell Inc., and Hewlett-Packard Company; Innovation Alliance; and Ericsson Inc. See 80 FR 26295–96 (May 7, 2015). On June 24, 2015, United States Senator Patrick J. Toomey of Pennsylvania also filed a response to the Commission’s May 4, 2015, notice.

On June 25, 2015, the Commission determined to review the RID in part. 80

FR 37656–658 (July 1, 2015). Specifically, the Commission determined to review the RID’s findings concerning the application of the Commission’s prior construction of the claim limitation “successively [transmits/transmitted] signals” in *Certain Wireless Devices with 3G Capabilities and Components Thereof*, Inv. No. 337–TA–800 (“the 800 investigation”) and *Certain Wireless Devices with 3G and/or 4G Capabilities and Components Thereof*, Inv. No. 337–TA–868 (“the 868 investigation”). The Commission also determined to review the RID with respect to whether the accused products satisfy the claim limitation “successively [transmits/transmitted] signals” as construed by the Commission in the 800 and 868 investigations. The Commission further determined to review the RID’s public interest findings. 80 FR at 37657–658.

On July 10, 2015, InterDigital, Respondents, and the IA submitted initial briefs in response to the Commission’s notice of review concerning issues of violation, remedy, bonding, and the public interest. On July 20, 2015, the parties submitted response briefs.

In response to the Commission’s request for briefing on remedy, bonding, and the public interest, the following submitted briefing on July 10, 2015: Edith Ramirez, Federal Trade Commission Chairwoman; Ericsson Inc.; and Intel Corporation, Dell Inc., and Hewlett-Packard Company. On July 20, 2015, the following submitted responsive briefing: Maureen K. Ohlhausen and Joshua D. Wright, Commissioners of the Federal Trade Commission; and J. Gregory Sidak, Chairman of Criterion Economics.

On July 20, 2015, Respondents filed a motion to strike the declaration of Dr. Jackson that InterDigital submitted as an attachment to its response to the Commission’s notice. On July 23, 2015, the IA filed a response in support of the motion to strike. On July 30, 2015, InterDigital filed a response opposing the motion to strike.

Having examined the record of this investigation, including the RID, the petitions for review, the responses thereto, and the parties’ submissions on review, the Commission has determined to find no violation of section 337 with respect to the ’966 and ’847 patents.

Specifically, the Commission finds that issue preclusion applies with respect to the proper construction of the claim limitation “successively [transmits/transmitted] signals” based on the Commission’s determination in *Certain Wireless Devices with 3G and/or 4G Capabilities and Components*

Thereof, Inv. No. 337–TA–868, which relies substantively on the Commission’s determination in *Certain Wireless Devices with 3G Capabilities and Components Thereof*, Inv. No. 337–TA–800, as affirmed by the United States Court of Appeals for the Federal Circuit (*InterDigital Commc’ns, Inc. v. Int’l Trade Comm’n*, 2015 WL 669305 (Fed. Cir. Feb. 18, 2015)). The Commission further finds its prior constructions of the claim limitation “successively [transmits/transmitted] signals” in the 868 and 800 investigations are persuasive authority which the Commission should apply uniformly to the asserted patents.

The Commission also finds that issue preclusion requires a finding of non-infringement with respect to the asserted claims of the ’966 and ’847 patents, and that the evidence in the record independently supports a finding of non-infringement with respect to the claim limitation “successively [transmits/transmitted] signals” as previously construed by the Commission in the 868 investigation.

The Commission denies as moot Respondents motion to strike the declaration of Dr. Jackson.

The investigation is terminated.

The Commission will issue an opinion reflecting its decision within seven days of this notice.

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: August 28, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–21896 Filed 9–2–15; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. TA–131–040]

WTO Environmental Goods Trade Negotiations: Advice on the Probable Economic Effect of Providing Duty-Free Treatment, Second List of Articles

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation, scheduling of public hearing, and opportunity to provide written submissions.

SUMMARY: Following receipt of a request dated August 20, 2015 (received August

21, 2015) from the United States Trade Representative (USTR) under section 131 of the Trade Act of 1974 (19 U.S.C. 2151), the U.S. International Trade Commission (Commission) instituted investigation No. TA-131-040, *WTO Environmental Goods Trade Negotiations: Advice on the Probable Economic Effect of Providing Duty-Free Treatment, Second List of Articles*.

DATES:

October 5, 2015: Deadline for filing requests to appear at the public hearing.
 October 6, 2015: Deadline for filing pre-hearing briefs and statements.
 October 14, 2015: Public hearing.
 October 19, 2015: Deadline for filing post-hearing briefs and statements.
 October 19, 2015: Deadline for filing all other written submissions.
 December 4, 2015: Transmittal to USTR of Commission's report.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://www.usitc.gov/secretary/edis.htm>.

FOR FURTHER INFORMATION CONTACT:

Project Leader Mahnaz Khan (202-205-2046 or mahnaz.khan@usitc.gov), or Deputy Project Leader Karl Tsuji (202-708-3434 or karl.tsuji@usitc.gov) for information specific to this investigation. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202-205-3091 or william.gearhart@usitc.gov). The media should contact Margaret O'Laughlin, Office of External Relations (202-205-1819 or margaret.olaughlin@usitc.gov). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

Background: In his letter, the USTR noted that he had notified Congress on March 21, 2014, of the President's intent to enter into negotiations with a group

of World Trade Organization (WTO) Members to eliminate tariffs on environmental goods, and that on July 8, 2014, the United States and thirteen other WTO members launched negotiations on the Environmental Goods Agreement (EGA). The USTR also noted that, in preparation for the EGA negotiations, he had requested, and the Commission provided, two reports in 2014 with advice and information on U.S. environmental goods trade. He also noted that the product coverage submitted for preparation of those reports was provisional, given the absence of a universally accepted definition of an "environmental good." He said that during the course of the EGA negotiations and USTR's preparatory consultations, a range of additional potential products have been identified.

As requested by the USTR, the Commission will, pursuant to section 131 of the Trade Act of 1974, provide a report containing its advice as to the probable economic effect of providing duty-free treatment for imports of these additional potential products (as identified in the list attached to the USTR's letter) from all U.S. trading partners on (i) industries in the United States producing like or directly competitive products, and (ii) consumers. As requested, the report will provide analysis for each of the additional potential products for which U.S. tariffs remain, taking into account implementation of U.S. commitments in the WTO. The Commission's advice will be based on the U.S. tariff nomenclature in effect during 2015 and trade data for 2014. As requested, the Commission will provide its report to the USTR by December 4, 2015.

The USTR stated that portions of the Commission's report will be classified as national security information and that the USTR considers the report to be an inter-agency memorandum that will contain pre-decisional advice and be subject to the deliberative process privilege.

Public Hearing: A public hearing in connection with this investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC, beginning at 9:40 a.m. on October 14, 2015. Requests to appear at the public hearing should be filed with the Secretary, no later than 5:15 p.m., October 5, 2015, in accordance with the requirements in the "Submissions" section below. All pre-hearing briefs and statements should be filed not later than 5:15 p.m., October 6, 2015; and all post-hearing briefs and statements should be filed not later than 5:15 p.m., October 19, 2015.

Written Submissions: In lieu of or in addition to participating in the hearing, interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., October 19, 2015. All written submissions must conform with the provisions of section 201.8 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures require that interested parties file documents electronically on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. eastern time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Office of the Secretary (202-205-2000).

Any submissions that contain confidential business information (CBI) must also conform with the requirements of section 201.6 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the "confidential" or "non-confidential" version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission may include some or all of the confidential business information submitted in the course of this investigation in the report it sends to the USTR. The Commission will not otherwise publish any confidential business information in a manner that would reveal the operations of the firm supplying the information.

Summaries of Written Submissions: The Commission intends to publish summaries of the positions of interested persons in an appendix to its report. Persons wishing to have a summary of their position included in the appendix should include a summary with their written submission. The summary may not exceed 500 words, should be in MSWord format or a format that can be easily converted to MSWord, and should not include any confidential business information. The summary will

be published as provided if it meets these requirements and is germane to the subject matter of the investigation. In the appendix the Commission will identify the name of the organization furnishing the summary, and will include a link to the Commission's Electronic Document Information System (EDIS) where the full written submission can be found.

Issued: August 28, 2015.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2012-0014]

The Lead in Construction Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements contained in the Lead in Construction Standard (29 CFR 1926.62).

DATES: Comments must be submitted (postmarked, sent, or received) by November 2, 2015.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693-1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit your comments and attachments to the OSHA Docket Office, Docket No. OSHA-2012-0014, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the

Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA-2012-0014) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>. For further information on submitting comments see the "Public Participation" heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Docket: To read or download comments or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You also may contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT:

Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N-3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.*, employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing collection of information requirements in accord with the Paperwork Reduction Act of 1995 (PRA-95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of

occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The purpose of the Lead in Construction Standard and its collection of information (paperwork) requirements is to reduce occupational lead exposure in the construction industry. Lead exposure can result in both acute and chronic effects and can be fatal in severe cases of lead toxicity. Some of the health effects associated with lead exposure include brain disorders which can lead to seizures, coma, and death; anemia; neurological problems; high blood pressure; kidney problems; reproductive problems; and decreased red blood cell production. The major collection of information requirements of the Standard are: Conducting worker exposure assessments; notifying workers of their lead exposures; establishing, implementing and reviewing a written compliance program annually; labeling containers of contaminated protective clothing and equipment; providing medical surveillance to workers; providing examining physicians with specific information; ensuring that workers receive a copy of their medical surveillance results; posting warning signs; establishing and maintaining exposure monitoring, medical surveillance, medical removal and objective data records; and providing workers with access to these records. The records are used by employees, physicians, employers and OSHA to determine the effectiveness of the employer's compliance efforts.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed collection of information requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the collection of information requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.