

**FOR FURTHER INFORMATION CONTACT:**

Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-4716. 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) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://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 Investigation No. 337-TA-1013 on July 27, 2016, based on a complaint filed by Complainants Lehigh Valley Technologies, Inc. of Allentown, Pennsylvania; Endo Global Ventures of Hamilton, Bermuda; Endo Ventures Limited, of Dublin, Ireland; and Generics Bidco I, LLC (d/b/a Qualitest Pharmaceuticals and Par Pharmaceutical) of Huntsville, Alabama (collectively, "Complainants"). See 81 FR 49263 (July 27, 2016). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, or the sale of certain potassium chloride powder products by reason of false advertising, the threat or effect of which is to destroy or substantially injure an industry in the United States. See *id.* The notice of investigation identified Viva Pharmaceutical Inc. of Richmond, British Columbia, Canada; Virtus Pharmaceuticals, LLC of Tampa, Florida; and Virtus Pharmaceuticals OPCO II, LLC, of Nashville, Tennessee (collectively, "Respondents") as respondents in this investigation. See *id.* The Office of Unfair Import Investigations is also a party to this investigation. See *id.*

On November 18, 2016, Complainants and Respondents (collectively, "the Private Parties") filed a joint motion to terminate the investigation based upon settlement ("Joint Motion"). On November 30, 2016, the Commission Investigative Attorney filed a response in support of the Joint Motion.

On December 19, 2016, the ALJ issued a corrected initial determination ("ID")

(Order No. 10) granting the Joint Motion. As noted in the ID, the Private Parties "state[d] that 'there are no other agreements, written or oral, express or implied between Complainants and Respondents concerning the subject matter of this Investigation' other than the documents submitted with the Joint Motion." See ID at 1-2. The ALJ further noted that the Private "Parties have attached both public and confidential versions of their Settlement Agreement" to the Joint Motion. See *id.* at 4. The ALJ also considered the public interest under Commission Rule 210.50(b)(2), 19 CFR 210.50(b)(2) and determined that termination was not contrary to the public interest. See *id.*

No party has filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID. The investigation is terminated.

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: January 6, 2017.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2017-00424 Filed 1-10-17; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

### Notice of Publication of Petitions for Duty Suspensions and Reductions and Opportunity To Comment on Petitions

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice of publication on the Commission's Web site of petitions for duty suspensions and reductions and request for comments on the petitions filed.

**SUMMARY:** As required by the American Manufacturing Competitiveness Act of 2016, the Commission has published on its Web site the petitions for duty suspensions and reductions that were timely filed and contain the required information, and the Commission is requesting members of the public to submit comments to the Commission on the petitions published no later than the close of business February 24, 2017.

**DATES:** January 11, 2017: Date of publication on the Commission's Web site of petitions for duty suspensions and reductions and opening date for filing comments concerning those

petitions. February 24, 2017, 5:15 p.m., EST: Closing date and time for the submission of comments concerning the petitions for duty suspensions and reductions published on the Commission's Web site. Comments must be submitted in electronic form via the Commission's secure web portal. The Commission will not accept comments submitted in paper or in any other form or format.

**ADDRESSES:** All Commission offices are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. The public file for this proceeding may be viewed on the Commission's Miscellaneous Tariff Bill Petition System (MTBPS) at <https://www.usitc.gov/mtbps>.

**FOR FURTHER INFORMATION CONTACT:** For general inquiries, contact Jennifer Rohrbach at [mtbinfo@usitc.gov](mailto:mtbinfo@usitc.gov). For filing inquiries, contact the Office of Secretary, Docket Services division, U.S. International Trade Commission, telephone (202) 205-3238.

The media should contact Peg O'Laughlin, Public Affairs Officer (202-205-1819 or [margaret.olaughlin@usitc.gov](mailto:margaret.olaughlin@usitc.gov)). General information concerning the Commission may be obtained by accessing its internet server (<https://www.usitc.gov>).

**Background:** The American Manufacturing Competitiveness Act of 2016 (the Act), (Public Law 114-159, May 20, 2016), 19 U.S.C. 1332 note, establishes a new process for the submission and consideration of requests for temporary duty suspensions and reductions. Section 3(b)(1) of the Act requires that the Commission initiate the process by publishing a notice requesting members of the public who can demonstrate that they are likely beneficiaries of duty suspensions or reductions to submit petitions and Commission disclosure forms to the Commission. As required by the Act, the Commission published that notice in the **Federal Register** on October 14, 2016 (81 FR 71114), with all such petitions to be submitted no later than the close of business on December 12, 2016. Section 3(b)(3)(A) of the Act requires that the Commission, no later than 30 days after the expiration of the period for filing petitions, that is, by January 11, 2017, publish on its Web site the petitions received that contain the information required by the Act. Section 3(b)(3)(B) of the Act requires that the Commission, at the same time, publish a notice requesting members of the public to submit comments to the Commission on the petitions published. Such comments must be submitted to

the Commission during the 45-day period beginning on the date of publication of the notice—in this case, by February 24, 2017.

Following conclusion of the period for filing comments, the Commission will, as required by sections 3(b)(3)(C) and (E) of the Act, submit preliminary and final reports to the House Committee on Ways and Means and the Senate Committee on Finance (Committees) on the petitions received. The Commission will submit its reports in June and August 2017, respectively. The reports are to include the Commission's analysis and recommendations regarding the petitions, including whether there is domestic production of the article, whether the estimated loss in revenues due to the duty suspension or reduction does not exceed \$500,000, and whether the duty suspension or reduction will be available to any person importing the article. The Commission is required to classify the petitions into categories based on whether (1) the petition meets the requirements for inclusion in a miscellaneous tariff bill; (2) the Commission recommends inclusion in such a bill with specified technical changes, changes in product scope, or adjustment in the amount of duty reduction; (3) the Commission recommends against inclusion in a bill because the petition does not meet the petitioning requirements or the petitioner is not a likely beneficiary; and (4) the Commission otherwise recommends not including the petition. The Committees and the Congress will make the final decision regarding the imported articles to be included in a bill.

Section 3(c) of the Act also requires the U.S. Department of Commerce (Commerce), with input from U.S. Customs and Border Protection (CBP) and other Federal agencies, to submit a report to the Commission and to the Committees. This report is to include information related to domestic production and technical changes that are necessary for purposes of administration when articles are presented for importation.

*Procedures for filing a Comment:* The Commission has promulgated rules of practice and procedure that address, inter alia, the submission of comments on the petitions filed. The rules, in the form of an interim rule, are published at 19 CFR part 220 (81 FR 67144, Sept. 30, 2016)—see in particular 19 CFR 220.10. The rules are also posted on the Commission's Web site along with other materials, including a handbook, designed to assist the public in filing

petitions and comments—see <https://www.usitc.gov/mtbps>.

*Who may file.* Comments may be filed by any member of the public. The Commission is particularly interested in receiving comments from domestic producers with respect to whether they produce an article that is identical to, like, or directly competitive with an article that is the subject of a petition for a duty suspension or reduction, and if they do, whether they object to such a duty suspension or reduction. The Commission is also interested in receiving comments from individuals and entities who believe they would be a likely beneficiary of a particular duty suspension or reduction, or who, having been named in the petition or another comment as a likely beneficiary, wish to state that they would not be a likely beneficiary of a particular duty suspension or reduction. The statute defines "likely beneficiary" to mean "an individual or entity likely to utilize, or benefit directly from the utilization of, an article that is the subject of a petition for a duty suspension or reduction."

Petitioning parties may also submit comments. However, any such comments must not amend or seek to amend a petition that the submitter previously filed, and the Commission will not consider any comments from a petitioner to such effect.

*Method for filing.* Comments concerning petitions for duty suspensions and reductions may be filed only electronically via the Commission's designated secure MTBPS web portal and in the format designated by the Commission in that portal. The portal may be accessed through the Commission's Web site at <https://www.usitc.gov> under "Miscellaneous Tariff Bill Information." The portal contains a series of prompts and links that will assist persons in providing the required information. The Commission will not accept comments submitted in paper or in any other form or format. Comments must contain all information required in the portal in order to be considered properly filed. Comments, including any attachments thereto, must otherwise comply with the Commission's rules and Handbook on MTB Filing Procedures. Persons seeking to comment on more than one petition must submit a separate comment for each petition.

Persons filing comments should be aware that they must be prepared to complete their entire comment when they enter the portal. The portal will not allow them to edit, amend, or complete the comment at a later time. Accordingly, they should have all the information in hand that they will need

to complete their comment at the time they enter the portal. The types of information that a person submitting a comment may need are listed in the Commission's Before You File a Comment guide, which is also located on the Commission's Web site at <https://www.usitc.gov/mtbps>.

*Time for filing.* To be considered, comments must be filed no earlier than the publication date of this notice in the **Federal Register** and no later than the close of business (5:15 p.m. EST) on February 24, 2017. The Commission will not accept comments filed after that time and date.

*Amendment and withdrawal of comments.* The Commission's secure web portal will not allow a person who has formally submitted a comment to amend that comment. Instead, that person must withdraw the original comment and file a new comment that incorporates the changes. The new comment must be filed within the 45-day period designated for submitting comments (*i.e.*, before 5:15 p.m. EST on February 24, 2017). Comments may not be withdrawn or amended after the close of the 45-day period for filing comments.

*Comments containing confidential business information.* The portal will permit persons submitting comments to claim that certain information should be treated either as confidential business information or as information protected from disclosure under the Privacy Act. However, because of the portal's design, the portal instructs that such information not be included in attachments to comments. Persons who include confidential business information and information protected under the Privacy Act in attachments to their comments will be presumed to have waived any privilege and the information will be disclosed to the public when the comments and attachments are posted on the Commission's Web site. See further information below on possible disclosure of confidential business information.

*Confidential Business Information.* The Commission will not release information which the Commission considers to be confidential business information within the meaning of § 201.6(a) of its Rules of Practice and Procedure (19 CFR 201.6) unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the Commission, or such party subsequently consents to the release of the information.

Confidential business information submitted to the Commission in comments may be disclosed to and/or used by (1) the Commission in calculating the estimated revenue loss required under the Act, which may be based in whole or in part on the estimated values of imports submitted in comments (as well as by petitioners in their petitions); or (2) the Commission, its employees, and contract personnel (a) in processing petitions and comments and preparing reports under the American Manufacturing Competitiveness Act of 2016 or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (3) Commerce for use in preparing its report to the Commission and the Committees, and the U.S. Department of Agriculture and CBP for use in providing information for that report; or (4) U.S. government employees and contract personnel, solely for cybersecurity purposes, subject to the requirement that all contract personnel will sign appropriate nondisclosure agreements.

By order of the Commission.

Issued: January 3, 2017.

**Katherine M. Hiner,**

*Acting Supervisory Attorney.*

[FR Doc. 2017-00062 Filed 1-10-17; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-1034]

### Certain Flash Memory Devices and Components Thereof; Institution of Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 6, 2016, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Memory Technologies, LLC of Las Vegas, Nevada. An amended complaint was filed on December 12, 2016. The amended complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain flash memory devices and components thereof by reason of infringement of certain claims of U.S. Patent No. RE45,542 (“the ‘542 patent”);

U.S. Patent No. RE45,486 (“the ‘486 patent”); U.S. Patent No. 7,565,469 (“the ‘469 patent”); U.S. Patent No. 9,063,850 (“the ‘850 patent”); and U.S. Patent No. 8,307,180 (“the ‘180 patent”). The amended complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

**ADDRESSES:** The amended complaint, except for any confidential information contained therein, is 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., Room 112, Washington, DC 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. 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. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

**Authority:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10 (2016).

**Scope of Investigation:** Having considered the amended complaint, the U.S. International Trade Commission, on January 5, 2017, *ordered that—*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain flash memory devices and components thereof by reason of infringement of one or more of claim 38 of the ‘542 patent; claims 6, 9, 10, 22, 23, 26, and 27 of the ‘486 patent; claim 19 of the ‘469 patent; claim 10 of the ‘850 patent; and claims 17–19, 21,

22, and 27 of the ‘180 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding Administrative Law Judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Memory Technologies, LLC, 6787 W. Tropicana Avenue, Suite 238, Las Vegas, NV 89103

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the amended complaint is to be served:

SanDisk LLC, 951 SanDisk Drive, Milpitas, CA 95035  
Western Digital Corporation, 3355 Michelson Drive, Suite 100, Irvine, CA 92612  
Western Digital Technologies, Inc., 951 SanDisk Drive, Milpitas, CA 95035  
SanDisk Limited, 8F Nisso 15 Bldg. 2–17–19 Shin-Yokohama, Kohoku-ku, Yokohama, Japan 222-0033  
SanDisk Storage Malaysia Sdn. Bhd., Plot 18, Lorong Jelawat 4, Kawasan, Perindustrian, Seberang Jaya, 13700 Perai, Penang, Malaysia  
SanDisk SemiConductor (Shanghai) Co., Ltd., No. 388, Jiang Chuan East Road, Minhang District, Shanghai 200241, China

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the amended complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the