

submitted to the address listed in the **ADDRESSES** section of this document. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Comments submitted to the above address will be reviewed and considered by all of the lead agencies.

#### Next Steps

The lead agencies will compile and review all public comments on the Draft BDCP and Draft EIR/EIS submitted to them prior to preparation of a final EIR/EIS. A permit decision by NMFS and FWS and a decision by Reclamation on CVP operations consistent with the BDCP, habitat restoration, and monitoring actions in the Delta will be made no sooner than 30 days after the publication of the final EIR/EIS and completion of the Record of Decision. A draft Implementing Agreement is still under preparation and will be made available to the public for review and comment in early 2014. It will be posted at [www.baydeltaconservationplan.com](http://www.baydeltaconservationplan.com) as soon as it is available.

Dated: December 9, 2013.

**Angela Somma,**

*Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

Dated: December 4, 2013.

**Alexandra Pitts,**

*Deputy Regional Director, Pacific Southwest Region, Fish and Wildlife Service.*

Dated: December 2, 2013.

**Pablo R. Arroyave,**

*Deputy Regional Director, Mid-Pacific Region, Bureau of Reclamation.*

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**BILLING CODE 3510–22–P; 4310–MN–P; 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A000 67F  
134S180110; S2D2S SS08011000 SX066A00  
33F 13xs501520]

### Notice of Proposed Information Collection; Request for Comments for 1029–0114

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to renew authority to collect information for a series of customer surveys to evaluate OSM's performance in meeting the performance goals outlined in its annual plans developed pursuant to the Government Performance and Results Act (GPRA). The Office of Management and Budget (OMB) previously approved the collection and assigned it clearance number 1029–0114.

**DATES:** Comments on the proposed information collection must be received by February 11, 2014, to be assured of consideration.

**ADDRESSES:** Comments may be mailed to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203–SIB, Washington, DC 20240. Comments may also be submitted electronically to [jtrelease@osmre.gov](mailto:jtrelease@osmre.gov).

**FOR FURTHER INFORMATION CONTACT:** To receive a copy of the information collection request contact John Trelease, at (202) 208–2783 or electronically at [jtrelease@osmre.gov](mailto:jtrelease@osmre.gov).

**SUPPLEMENTARY INFORMATION:** OMB regulations at 5 CFR 1320, which implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. This notice identifies the information collection that OSM will be submitting to OMB for approval. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is 1029–0114 and is on the forms along with the expiration date. OSM will request a 3-year term of approval for this information collection activity.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany

OSM's submission of the information collection request to OMB.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

This notice provides the public with 60 days in which to comment on the following information collection activity:

*Title:* Technical Evaluations Series.

*OMB Control Number:* 1029–0114.

*Summary:* The series of surveys are needed to ensure that technical assistance activities, technology transfer activities and technical forums are useful for those who participate or receive the assistance. Specifically, representatives from State and Tribal regulatory and reclamation authorities, representatives of industry, environmental or citizen groups, or the public, are the recipients of the assistance or participants in these forums. These surveys will be the primary means through which OSM evaluates its performance in meeting the performance goals outlined in its annual plans developed pursuant to the Government Performance and Results Act.

*Bureau Form Number:* None.

*Frequency of Collection:* Once.

*Description of Respondents:* 26 State and Tribal governments, industry organizations and individuals who request information or assistance.

*Total Annual Responses:* 550.

*Total Annual Burden Hours:* 46.

Dated: December 5, 2013.

**Andrew F. DeVito,**

*Chief, Division of Regulatory Support.*

[FR Doc. 2013–29737 Filed 12–12–13; 8:45 am]

**BILLING CODE 4310–05–P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–847]

### Certain Mobile Phones and Tablet Computers, and Components Thereof; Commission Determination To Review in Part a Final Initial Determination Finding a Violation of Section 337; Schedule for Briefing on the Issues Under Review and on Remedy, the Public Interest, and Bonding

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review in part a final initial determination (“ID”) issued by the presiding administrative law judge (“ALJ”), finding a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in this investigation.

**FOR FURTHER INFORMATION CONTACT:**

Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-5468. 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 (<http://www.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 June 8, 2012, based on a complaint filed by Nokia Corp., Nokia Inc., and Intellisync Corp. (collectively, “Nokia”). 77 FR 34063-64. The Commission’s notice of investigation named as respondents HTC Corporation; HTC America, Inc. (together, “HTC”); and Exedeia, Inc. (“Exedeia”). *Id.* Prior to receiving the complaint and notice of investigation, counsel for Exedeia announced that Exedeia had dissolved as a legal entity. The complaint and notice of investigation sent to Exedeia were returned as undeliverable, and no further action was taken to serve Exedeia. The Office of Unfair Import Investigations did not participate in this investigation.

Originally, Nokia asserted numerous claims from nine patents against HTC. Throughout the course of the investigation, several IDs terminated the investigation with respect to various patents and claims. *See* Order No. 9 (Feb. 7, 2013) (terminating the investigation with respect to U.S. Patent No. 7,366,529 because the patent was covered by an arbitration agreement), *not reviewed* (Mar. 11, 2013); Order No. 10 (Apr. 12, 2013) (terminating the investigation with respect to U.S. Patent

Nos. 7,106,293; 6,141,664; and 7,209,911 patents based on Nokia’s motion to withdraw the patents), *not reviewed* (Apr. 30, 2013); Order No. 14 (May 14, 2013) (terminating the investigation with respect to U.S. Patent No. 6,728,530 based on Nokia’s motion to withdraw the patent), *not reviewed* (May 29, 2013); Order No. 33 (June 13, 2013) (terminating the investigation with respect to U.S. Patent No. 5,570,369 based on Nokia’s motion to withdraw the patent), *not reviewed* (July 12, 2013). By the time of the final ID, Nokia asserted only claim 1 of U.S. Patent No. 5,884,190 (“the ‘190 patent”); claims 6, 8, 10, and 11 of U.S. Patent No. 6,393,260 (“the ‘260 patent”); and claims 2, 18, 19, 21, and 23 of U.S. Patent No. 7,415,247 (“the ‘247 patent”).

On May 2, 2013, the ALJ issued an initial determination (Order 13) finding that HTC could not establish its defense of patent exhaustion. Nokia and HTC both petitioned for review of Order 13. On June 4, 2013, the Commission determined to review Order 13, and stated that it would render its final disposition on Order 13 in conjunction with the final disposition of the final initial determination in this investigation. Accordingly, Order 13 remains under review.

On September 23, 2013, the presiding ALJ issued his final ID, finding a violation of section 337 with respect to claims 6, 8, 10, and 11 of the ‘260 patent and claims 18, 19, 21, and 23 of the ‘247 patent, and finding no violation with respect to the ‘190 patent and claim 2 of the ‘247 patent. The ALJ recommended that a limited exclusion order issue against all infringing articles imported, sold for importation, or sold after importation by HTC. The ALJ also recommended that a cease-and-desist order issue against HTC.

On October 23, 2013, HTC filed a petition for review challenging several grounds for the ALJ’s determination that HTC violated section 337. On October 31, 2013, Nokia filed a response in opposition to HTC’s petition.

Having examined the record of this investigation, including the ALJ’s final ID, the petition for review, and the response thereto, the Commission has determined to review the final ID in part. Specifically, the Commission has determined to review the ALJ’s findings on claim construction, infringement, and the technical prong of the domestic industry requirement for the limitations “balance adjustment means” of the ‘260 patent and “different radio interfaces”/“different radio communications systems” of the ‘247 patent. The Commission has determined to review the ALJ’s remaining findings on

infringement and the technical prong of the domestic industry requirement for the ‘247 patent. The Commission has also determined to review the striking of the testimony and witness statements of Dr. Colyannides. The Commission has determined not to review the remaining findings in the ID.

The parties are requested to brief their positions on the issues under review with reference to the applicable law and the evidentiary record. In connection with its review, the Commission is particularly interested in briefing on the following issues:

1. Whether the phrase “comprising transistors, or implemented using a variable voltage source” is an appropriate modifier of the corresponding structure for the phrase “balance adjustment means” in the ‘260 patent.

2. Whether Nokia’s evidence with regards to the use of transistors in calibration is sufficient to establish HTC’s infringement of the “balance adjustment means” limitation in the ‘260 patent.

3. Whether Nokia abandoned its contentions with respect to claims 18 and 19 of the ‘247 patent by failing to set forth with particularity HTC’s infringement of the claim limitation “an input for receiving a digital baseband quadrature signal representing an information signal to be transmitted” in Nokia’s pre-hearing brief.

4. Whether a person of ordinary skill in the art, reading the phrase “different radio communications systems” in the context of the limitation “wherein said mixer is common for processing signals for transmission in at least two different radio communication systems, and wherein said transmitter amplifier is common for amplifying carrier frequency signals for transmission to at least two different radio communications systems . . .” in light of the specification and prosecution history of the ‘247 patent, would have understood that the disclosed common mixer and common transmitter amplifier could be utilized with radio communications systems that differed in ways other than by frequency band.

5. Whether the Federal Circuit’s decision in *Lifescan Scotland, Ltd. v. Shasta Techs., LLC*, 734 F.3d 1361 (Fed. Cir. 2013), or any other relevant court decisions, affects HTC’s defense of patent exhaustion based on the transfer of rights under the Nokia-Qualcomm agreement.

The parties have been invited to brief only the discrete issues described above, with reference to the applicable law and evidentiary record. The parties are not to brief other issues on review, which

are adequately presented in the parties' existing filings.

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue a cease and desist order that could result in the respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation. The Commission is particularly interested in briefing on the following issues:

1. HTC's statement on the public interest contends that the Qualcomm Magellan and Odyssey transceiver chips have become a *de facto* standard in the mobile devices industry. What evidence exists to support or refute HTC's contention? If HTC is correct, please discuss any evidence regarding whether the exclusion of HTC devices containing the Qualcomm Magellan and Odyssey chips raise any concerns similar to those raised by some commentators regarding patent hold-up in the FRAND-encumbered standards-essential patent context?

2. Several entities submitted statements on the public interest asserting that the Commission should consider in its public interest analysis the fact that HTC's accused products are

complex devices comprising numerous components, whereas Nokia's infringement allegations are directed to a single component of the accused devices. How (if at all) should the Commission consider such a factor in determining whether to issue such a remedy or in fashioning an appropriate remedy in this investigation?

3. How (if at all) should Nokia's covenant not to sue Qualcomm over the asserted patents affect the Commission's consideration of the public interest in determining whether to issue a remedy against HTC based on the functionality of Qualcomm components or in fashioning an appropriate remedy in this investigation?

4. Several entities submitted statements on the public interest asserting that there should be a transition period for any remedy issued against HTC. Please explain and provide evidence regarding whether such a transition period is warranted in this investigation. Additionally, please explain and provide evidence regarding the appropriate duration for any such transition period.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

**Written Submissions:** The parties to the investigation are requested to file written submissions on the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding. The entirety of the parties' written submissions must not exceed 75 pages, and must be filed no later than close of business on December 23, 2013. Reply submissions must not exceed 50 pages, and must be filed no later than the close of business on January 6, 2014. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-847") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, [http://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/handbook\\_on\\_electronic\\_filing.pdf](http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf)). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with the any confidential filing. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

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 sections 210.42-46 of the Commission's Rules of Practice and Procedure (19 CFR 210.42-46).

By order of the Commission.

Issued: December 9, 2013.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2013-29738 Filed 12-12-13; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Foreign Claims Settlement Commission

#### Commencement of Claims Program

**AGENCY:** Foreign Claims Settlement Commission of the United States, Department of Justice.

**ACTION:** Notice

**SUMMARY:** This notice announces the commencement by the Foreign Claims Settlement Commission ("Commission") of a program for adjudication of certain categories of