

By order of the Commission.

Issued: January 21, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021-01649 Filed 1-25-21; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1118 (Advisory
Opinion Proceeding)]

Certain Movable Barrier Operator Systems and Components Thereof Notice of a Commission Determination To Institute an Advisory Opinion Proceeding

AGENCY: U.S. International Trade
Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined to institute an advisory opinion proceeding, as requested by respondents Nortek Security & Control, LLC of Carlsbad, California; Nortek, Inc. of Providence, Rhode Island; and GTO Access Systems, LLC of Tallahassee, Florida (collectively, “Nortek”). The Commission has further determined to set a target date of six months from the date of institution for completion of this proceeding, and to refer this matter to the Chief Administrative Law Judge (“CALJ”) for assignment to an administrative law judge (“ALJ”) for appropriate proceedings and a recommendation, to be completed within four months from the date of institution.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2382. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket system (“EDIS”) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 11, 2018, based on a complaint, as supplemented, filed by The

Chamberlain Group, Inc. (“CGI”) of Oak Brook, Illinois. 83 FR 27020–21 (June 11, 2018). The complaint alleges that Nortek violated section 337 of the Tariff Act, as amended, 19 U.S.C. 1337 (“Section 337”) by importing, selling for importation, or selling in the United States after importation certain movable barrier operator (“MBO”) systems, including garage door openers (“GDOs”), that allegedly infringe one or more of the asserted claims of U.S. Patent Nos. 7,755,223 (“the ‘223 patent”), 8,587,404 (“the ‘404 patent”), and 6,741,052 (“the ‘052 patent”). *Id.* The Office of Unfair Import Investigations was not named as a party to this investigation. *Id.*

On December 12, 2018, CGI filed an opposed motion for summary determination that it satisfied the economic prong of the domestic industry requirement. On June 6, 2019, the presiding ALJ issued a notice advising the parties that the motion would be granted and a formal written order would follow. Order No. 26 (June 6, 2019).

On November 25, 2019, the ALJ issued Order No. 38, granting CGI’s motion for summary determination that its investments in labor and capital were “significant” and satisfied the economic prong of the domestic industry requirement under 19 U.S.C. 1337(a)(3)(B). Order No. 38 (Nov. 25, 2019). Order No. 38 denied summary determination with respect to CGI’s investments in plant and equipment under 19 U.S.C. 1337(a)(3)(A). *Id.*

On the same date, the ALJ issued the final Initial Determination on Violation of Section 337 (“Final ID”) and Recommended Determination on Remedy and Bond (“RD”), finding no violation of Section 337 because the asserted claims of the ‘223 and ‘404 patents are not infringed and the asserted claim of the ‘052 patent is invalid.

On February 19, 2020, the Commission issued a notice of its determination to review Order No. 38 and to partially review the Final ID with respect to certain issues relating to each of the three asserted patents. 85 FR 10723–26 (Feb. 25, 2020).

On April 22, 2020, the Commission affirmed there is no violation with respect to the ‘404 and ‘052 patents. Comm’n Notice at 3 (April 22, 2020). The Commission also vacated Order No. 38 and remanded the economic prong issue to the presiding ALJ for further proceedings, while the Commission continued to review issues relating to the ‘223 patent. *Id.*; Order Vacating and Remanding Order No. 38 (April 22, 2020) (“Remand Order”).

On July 10, 2020, the ALJ issued a Remand Initial Determination (“Remand ID”), finding that CGI made significant investments in plant and equipment and labor and capital sufficient to satisfy the economic prong of the domestic industry requirement under both Sections 337(a)(3)(A) and (B) (19 U.S.C. 1337(a)(3)(A), (B)), respectively. Remand ID (July 10, 2020). On September 9, 2020, the Commission determined to review the Remand ID. 85 FR 57249–51 (Sept. 15, 2020).

On December 3, 2020, the Commission determined that Nortek violated Section 337 by way of infringing claims 1 and 21 of the ‘223 patent. The Commission issued a limited exclusion order and cease and desist orders against Nortek and imposed a bond in the amount of 100 percent of the entered value of the covered products during the period of Presidential review.

On December 18, 2020, Nortek filed the subject request for an advisory opinion that GDOs that allegedly operate their obstacle detectors at a constant energy level do not infringe asserted claims 1 or 21 of the ‘223 patent, and thus are not covered by the remedial orders. CGI filed its opposition to Nortek’s request on December 30, 2020.

On January 7, 2021, Nortek filed a motion seeking leave to file a reply to CGI’s opposition. On January 11, 2021, CGI opposed Nortek’s motion. The Commission has determined to deny Nortek’s motion.

Having reviewed the parties’ submissions in view of the record below, the Commission has determined to institute an advisory opinion proceeding, per Nortek’s request, to ascertain whether GDOs that allegedly operate their obstacle detectors at a constant energy level infringe asserted claims 1 or 21 of the ‘223 patent and are covered by the remedial orders issued in this investigation. The Commission has determined to refer the matter to the CALJ for assignment to an ALJ for appropriate proceedings and a recommendation. The ALJ shall conduct any appropriate proceedings and issue an initial advisory opinion within four months from the date that the Commission’s notice to conduct the proceeding is published in the **Federal Register**. The target date shall be two months thereafter. The ALJ may extend the target date, allowing two months for Commission review, for good cause.

The Commission voted to approve these determinations on January 19, 2021.

The authority for the Commission’s determinations 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).

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JUDICIAL CONFERENCE OF THE UNITED STATES

Committee on Rules of Practice and Procedure; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Committee on Rules of Practice and Procedure, notice of open meeting.

SUMMARY: The Committee on Rules of Practice and Procedure will hold a meeting on June 22, 2021 in Washington, DC. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: <http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books>.

DATES: June 22, 2021, 9 a.m.–5 p.m. (Eastern).

FOR FURTHER INFORMATION CONTACT: Shelly Cox, Management Analyst, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7-300, Washington, DC 20544, Phone (202) 502-1820, RulesCommittee_Secretary@ao.uscourts.gov.

Authority: 28 U.S.C. 2073.

Dated: January 19, 2021.

Rebecca A. Womeldorf,

Rules Committee Secretary, Rules Committee Staff.

[FR Doc. 2021-01562 Filed 1-25-21; 8:45 am]

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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140-0106]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Extension Without Change of a Currently Approved Collection; Arson and Explosives Training Registration Request for Non-ATF Employees—ATF Form 6310.1

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection (IC) is also being published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until March 29, 2021.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, regarding the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact: Roderic Spencer, ATF/NCETR/EETD either by mail at 3750 Corporal Road, Huntsville, AL 35898, by email at Roderic.spencer@atf.gov, or by telephone at 256-261-7608.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the

information to be collected can be enhanced; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection* (check justification or Form 83): Extension without change of a currently approved collection.

2. *The Title of the Form/Collection:* Arson and Explosives Training Registration Request for Non-ATF Employees.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number (if applicable): ATF Form 6310.1.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Federal Government and State, Local or Tribal Government.

Other (if applicable): None.

Abstract: The Arson and Explosives Training Registration Request for Non-ATF Employees—ATF Form 6310.1 is used by Federal, State, local, military and international law enforcement investigators to apply to attend or obtain program information about arson and explosives training provided by the Bureau of Alcohol Tobacco, Firearms and Explosives (ATF).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 500 respondents will use the form annually, and it will take each respondent approximately 6 minutes to complete their responses.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 50 hours, which is equal to 500 (# of respondents) * .1(6 minutes).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.