

of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain nitrile gloves by reason of infringement of various claims of the '616 patent and named seven respondents. On September 19, 2007, the ALJ consolidated Inv. No. 337-TA-608 with Inv. No. 337-TA-612.

On August 25, 2008, the ALJ issued a final ID and recommended determination on remedy and bonding in the above-referenced consolidated investigation, finding that the active respondents did not violate section 337. Specifically, he found that while the majority of accused gloves infringe claims 17, 18, and 19 of the '616 patent, the asserted claims are invalid. He concluded that when the patentees amended the claims through a reissue application filed more than two years after the grant of the original patent, they improperly enlarged the scope of the claims, rendering them invalid. The ALJ further concluded that the claims are invalid because the patentees filed a defective reissue declaration when applying for the reissue patent. He rejected other arguments of invalidity and unenforceability. Accordingly, the ALJ concluded that respondents had not violated section 337.

On September 8, 2008, complainant Tillotson filed a petition for review, as did several respondents. On September 16, 2008, respondents filed a response to complainant's petition and complainant filed a response to respondents' petition.

On October 24, 2008, the Commission determined to review a portion of the ALJ's ID and requested briefing from the parties on the issues under review and on remedy, the public interest, and bonding. On November 10, 2008, complainant Tillotson, certain respondents, and the Commission investigative attorney ("IA") each filed responses to the Commission's request for written submissions. On November 17, 2008, complainant, certain respondents, and the IA filed reply submissions.

Having examined the record of this investigation, including the ALJ's ID and the submissions of the parties, the Commission has determined to affirm the ALJ's determination that the respondents did not violate section 337 because the asserted claims are invalid under 35 U.S.C. 251 and 37 CFR 1.175(a) (1996), but will clarify a portion of his claim construction in a separate opinion.

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 section 210.45 of the Commission's Rules of Practice and Procedure (19 CFR 210.45).

By order of the Commission.

Issued: December 22, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on December 22, 2008, a proposed consent decree in *United States v. Ashland Inc., et al.*, Civil Action No. 6:08-cv-01401-MLB-KMH, was lodged with the United States District Court for the District of Kansas.

The Complaint is a civil action on behalf of the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601, *et seq.* ("CERCLA"), for reimbursement of response costs incurred by the United States in response to the release or threat of release of hazardous substances into the environment from the Chemical Commodities Inc. Superfund Site in Olathe, Kansas ("Site"). The United States alleges that the Defendants are liable under Section 107 of CERCLA, 42 U.S.C. 9607(a). The Consent Decree provides for the implementation of the remedial action chosen by EPA for the Site by two Defendants, the Boeing Company and CertainTeed Corp. Seven Defendants will contribute towards the costs of performing the remedial action or provide access to the Site. The United States, on behalf of the Defense Logistics Agency, will pay 48% of the costs in excess of the payments by the seven defendants. EPA estimates that the remedial action will cost approximately \$9.8 million.

For thirty (30) days after this publication, the Department of Justice will receive comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. In either case, the comments should refer to *United States v. Ashland Inc., et al.*, Civil Action No.

08-cv-01401-MLB-KMH, D.J. Ref. Nos. 90-11-3-1686 & 1686/1.

During the comment period, the Consent Decree may be examined on the following Department of Justice Web site: <http://www.usdoj.gov/enrd/ConsentDecrees.html>. A copy of the Consent Decree may also be examined at the Office of the United States Attorney, District of Kansas, Suite 1200, 301 N. Main Street, Wichita, Kansas 67202, (316) 269-6481.

A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. When requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$48 (25 cents per page reproduction cost) payable to the United States Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library.

**Robert E. Maher, Jr.,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources.*

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## DEPARTMENT OF JUSTICE

### Office of Justice Programs

#### Office for Victims of Crime

[OMB Number 1121-0170]

#### Agency Information Collection Activities: Proposed Collection; Comments Requested

**ACTION:** 60-Day Notice of Information Collection Under Review: Extension of a currently approved collection; Victim of Crime Act, Crime Victim Assistance Grant Program, Subgrant Award Report.

Department of Justice (DOJ), Office of Justice Programs (OJP), Office for Victims of Crime (OVC) has submitted 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 is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until March 2, 2009. This process is conducted in accordance with 5 CFR 1320.10.