

publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

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 docket number ("Docket No. 2898") 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. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: May 30, 2012.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2012-13434 Filed 6-1-12; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-769]

### Certain Handheld Electronic Computing Devices, Related Software, and Components Thereof; Termination of the Investigation Based on Settlement and Partial Withdrawal of the Complaint

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review initial determinations ("IDs") (Order Nos. 40 and 41) of the presiding administrative law judge ("ALJ") terminating the above-captioned investigation as to one remaining respondent Inventec Corporation ("Inventec") of Taipei County, Taiwan based on partial withdrawal of the complaint, and as to the other remaining respondents Barnes & Noble, Inc. and [barnesandnoble.com](http://barnesandnoble.com), LLC (collectively, "Barnes & Noble"), both of New York, New York, based on a settlement agreement.

#### FOR FURTHER INFORMATION CONTACT:

Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-2310. 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 <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 April 25, 2011, based on a complaint filed by Microsoft Corporation ("Microsoft") of Redmond, Washington. 76 FR 22918. The complaint, as amended, alleged a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain handheld electronic computing devices, related software, and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 5,778,372 ("the '372 patent"); 5,889,522 ("the '522 patent"); 6,339,780 ("the '780 patent"); 6,891,551 ("the '551 patent"); and 6,957,233 ("the '233 patent"). The complaint further alleged the existence of a domestic industry. The Commission's notice of investigation named several respondents including: Hon Hai Precision Industry Co., Ltd. and

Foxconn Electronics, Inc., both of Tucheng City, Taiwan; Foxconn Precision Component (Shenzhen) Co., Ltd. of Shenzhen, China; and Foxconn International Holdings Ltd. of Kowloon, Hong Kong (collectively, "the Foxconn/Hon Hai respondents"); Barnes & Noble; and Inventec.

On December 15, 2011, the Commission issued notice of its determination not to review the ALJ's ID granting Microsoft's motion to terminate the investigation as to the Foxconn/Hon Hai respondents based upon withdrawal of all allegations as to these respondents. On February 14, 2012, the Commission issued notice of its determination not to review the ALJ's ID granting Microsoft's motion to terminate the investigation as to claims 1-6, 9-14, 17-26, and 29-42 of the '780 patent (terminating this patent from the investigation); claims 7, 9, and 11 of the '551 patent; claim 21 of the '233 patent; claims 1 and 2 of the '522 patent; and claim 1 of the '372 patent, based on withdrawal of these asserted claims. Also, on March 2 and 7, 2012, respectively, the Commission issued notice of its determinations not to review the ALJ's IDs granting Microsoft's motion for summary determination as to Barnes & Noble's patent misuse defense, and for summary determination as to the economic prong of the domestic industry requirement.

On May 1, 2012, Microsoft moved to terminate the investigation as to Inventec based upon withdrawal of all allegations as to this respondent. Separately, Microsoft and Barnes & Noble jointly moved to terminate the investigation as to the remaining respondents Barnes & Noble based on a settlement agreement. The Commission investigative attorney filed responses in support of each motion.

On May 11, 2012, the ALJ issued an ID granting Microsoft's motion for termination of the investigation as to Inventec and a separate ID granting the joint motion for termination of the remaining respondents Barnes & Noble based on a settlement agreement. He found that both motions satisfied Commission rule 210.21 and that the joint motion for termination based on a settlement agreement was not contrary to the public interest in accordance with Commission rule 210.50(b)(2). No party petitioned for review of the IDs. The Commission has determined not to review the IDs, and has terminated the investigation.

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 210.21 and 210.42(h) of the



Commission's Rules of Practice and Procedure, 19 CFR 210.21, 210.42(h).

By order of the Commission.

Issued: May 29, 2012.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2012-13364 Filed 6-1-12; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-844]

### Certain Drill Bits and Products Containing the Same; Institution of Investigation Pursuant to 19 U.S.C. 1337

**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 April 25, 2012, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Boart Longyear Company of South Jordan, Utah and Longyear TM, Inc. of South Jordan, Utah. The 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 drill bits and products containing the same by reason of infringement of certain claims of U.S. Patent No. 7,828,090 ("the '090 patent"); U.S. Patent No. 7,874,384 ("the '384 patent"); and U.S. Patent No. 8,051,929 ("the '929 patent"). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

**ADDRESSES:** The 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 <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>.

**FOR FURTHER INFORMATION CONTACT:** The Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205-1802.

**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 (2012).

**Scope of Investigation:** Having considered the complaint, the U.S. International Trade Commission, on May 25, 2012, *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 drill bits and products containing the same that infringe one or more of claims 1-9 and 12-20 of the '090 patent; claims 8-10 and 12-16 of the '384 patent; and claims 1, 2, 6-11, 13-16, 19, and 20 of the '929 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) 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 complainants are:

Boart Longyear Company, 10808 S. River Front Parkway, Suite 600, South Jordan, UT 84095;  
Longyear TM, Inc., 10808 S. River Front Parkway, Suite 600, South Jordan, UT 84095.

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

Boyles Bros Diamantina S.A., Av. Santa Ana 180-186 Ate, Lima, Peru;  
Christensen Chile S.A., Lo Campino 432, Quilicura, Santiago, Chile;  
Diamantina Christensen Trading Inc., Edificio AFRA, AV. Samuel Lewis y Calle 54, Panama; and  
Intermountain Drilling Supply Corp., 3412 West 2400 South, West Valley City, UT 84111.

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission,

shall designate the presiding Administrative Law Judge.

The Commission notes that issues regarding whether the importation requirement of section 337 is met may be present here. In instituting this investigation, the Commission has not made any determination as to whether Complainants have satisfied this requirement. Accordingly, the presiding administrative law judge may wish to consider this issue at an early date. Any such decision should be issued in the form of an initial determination (ID) Rule 210.42(c), 19 CFR 210.42(c). The ID will become the Commission's final determination 45 days after the date of service of the ID unless the Commission determines to review the ID. Any such review will be conducted in accordance with Commission Rules 210.43, 210.44 and 210.45, 19 CFR 210.43, 210.44, and 210.45.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the 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(d)-(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 Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: May 29, 2012.

**James R. Holbein,**

*Secretary to the Commission.*

[FR Doc. 2012-13390 Filed 6-1-12; 8:45 am]

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