

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-397]

Certain Dense Wavelength Division Multiplexing Systems and Components Thereof; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 18, 1997, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Ciena Corporation, 8530 Corridor Road, Savage, MD 20763. On March 13, 1997, the Commission extended by two weeks the thirty-day period for determining whether to institute an investigation based on the complaint. On March 17, 1997, Ciena filed an amended complaint. Supplementary letters were filed on March 21 and 25, 1997. The complaint, as amended and supplemented, alleges violations 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 dense wavelength division multiplexing systems and components thereof by reason of infringement of claims 1-7 of U.S. Letters Patent 5,557,439 and claims 1-10 of U.S. Letters Patent 5,504,609. The complaint further alleges that there exists an industry in the United States as required by subsection (a)(2) of section 337.

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

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.

FOR FURTHER INFORMATION CONTACT: Thomas S. Fusco, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2571.

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 (1996).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on April 1, 1997, *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 dense wavelength division multiplexing systems or components thereof by reason of infringement of claims 1-7 of U.S. Letters Patent 5,557,439 or claims 1-10 of U.S. Letters Patent 5,504,609, and whether there exists an industry in the United States 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 complainant is: Ciena Corporation, 8530 Corridor Road, Savage, MD 20763.

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

Pirelli, S.p.A., Viale Sarca 222, 20126

Milano (Milan), Italy

Pirelli Cavi, S.p.A., Optical

Communications Systems, Viale Sarca 222, 20126 Milano (Milan), Italy

Pirelli Cable Corporation, 705 Industrial Drive, Lexington, SC 29072

(c) Thomas S. Fusco, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401-O, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Sidney Harris is designated as the presiding administrative law judge.

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) and 210.13(a), such responses will be considered by the Commission if received no later than 20 days after the date of service by the Commission of the complaint and notice

of investigation. Extensions of time for submitting responses to the complaint 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 both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: April 2, 1997.

By order of the Commission.

Donna R. Koehnke,

Secretary,

[FR Doc. 97-9179 Filed 4-9-97; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-760 (Preliminary)]

Needle Bearing Wire From Japan**Determination**

On the basis of the record¹ developed in the subject investigation, the United States International Trade Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports from Japan of needle bearing wire, provided for in subheading 7229.90.50 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On February 14, 1997, a petition was filed with the Commission and the Department of Commerce by E.C.D. Inc., Hillside, NJ, alleging that an industry in the United States is materially injured and threatened with material injury by

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).