

## INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

### Overseas Private Investment Corporation

#### Agency Report Form Under OMB Review

**AGENCY:** Overseas Private Investment Corporation, IDCA.

**ACTION:** Request for comments.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the Agency is preparing an information collection request for OMB review and approval and to request public review and comment on the submission. Comments are being solicited on the need for the information, its practical utility, the accuracy of the Agency's burden estimate, and on ways to minimize the reporting burden, including automated collection techniques and uses of other forms of technology. The proposed form under review is summarized below.

**DATES:** Comments must be received on or before June 22, 1998.

**ADDRESSES:** Copies of the subject form and the request for review prepared for submission to OMB may be obtained from the Agency Submitting Officer. Comments on the form should be submitted to the Agency Submitting Officer.

#### FOR FURTHER INFORMATION CONTACT:

*OPIC Agency Submitting Officer:* Carol Brock, Records Manager, Overseas Private Investment Corporation, 1100 New York Avenue, N.W., Washington, D.C. 20527; 202/336-8563.

#### SUMMARY OF FORM UNDER REVIEW:

*Type of Request:* Revision.

*Title:* Request for Registration for Political Risk Investment Insurance.

*Form Number:* OPIC 50.

*Frequency of Use:* Once per investor per project.

*Type of Respondents:* Business or other institutions.

*Standard Industrial Classification Codes:* All.

*Description of Affected Public:* U.S. Companies investing overseas.

*Reporting Hours:* 1/2 hour per project.

*Number of Responses:* 850 per year.

*Federal Cost:* \$1060 per year.

*Authority for Information Collection:* Sections 231 and 234(a) of the Foreign Assistance Act of 1961, as amended.

*Abstract (Needs and Uses):* OPIC 50 is submitted by eligible investors to register their intent to make international investments, and ultimately, to seek OPIC insurance. By

submitting Form 50 to OPIC prior to making an irrevocable commitment, the incentive effect of OPIC is demonstrated.

Dated: April 17, 1998.

**James R. Offutt,**

*Assistant General Counsel, Department of  
Legal Affairs.*

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## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-393]

### Certain Ion Trap Mass Spectrometers and Components Thereof; Notice of Final Commission Determination of No Violation of Section 337 of the Tariff Act of 1930

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has made a final determination of no violation of section 337 of the Tariff Act of 1930, as amended, in the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:** Carl P. Bretscher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3107.

**SUPPLEMENTARY INFORMATION:** 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 210.43 of the Commission's Rules of Practice and Procedure (19 CFR 210.43).

The Commission instituted this investigation on February 20, 1997, based on a complaint by Finnigan Corporation ("Finnigan") of San Jose, California. The complaint named three respondents—Bruker-Franzen Analytik GmbH of Bremen, Germany; Bruker Instruments, Inc. of Billerica, Massachusetts; and Hewlett-Packard Company of Palo Alto, California. After issuance of the administrative law judge's ("ALJ's") final initial determination ("ID"), the ALJ and the parties entered into a joint stipulation that the activities complained of were performed by Bruker Analytical Systems, Inc., rather than Bruker Instruments, Inc.

In its complaint, Finnigan alleged that respondents violated section 337 by importing into the United States, selling

for importation, and/or selling in the United States after importation ion trap mass spectrometers that infringe one or more of claims 1-20 of Finnigan's U.S. Letters Patent 4,540,884 (the "'884 patent") and claims 1, 12-19 of Finnigan's U.S. Reissue Patent No. 34,000 (the "'000 patent"). Finnigan did not pursue all of those claims at trial, however, but argued only that respondents infringed one or more of claims 1-4, 8, 12, 14, and 17 of the '884 patent and claims 1, 15, 17, 18 of the '000 patent.

The presiding ALJ held an evidentiary hearing from October 20 to October 31, 1997. On February 25, 1998, the ALJ issued his final ID, in which he concluded that there was no violation of section 337, based on the following findings: (a) Claims 1-4 and 8 of the '884 patent are invalid as anticipated by the prior art; (b) claims 12, 14, and 17 of the '884 patent are invalid as obvious over the prior art; (c) claims 1-4, 8, 12, 14, and 17 of the '884 patent are neither infringed by respondents' accused devices nor practiced by Finnigan; (d) claims 15, 17, and 18 of the '000 patent are invalid as anticipated; (e) claims 1, 15, 17, and 18 of the '000 patent are invalid as obvious; (f) the claims of the '000 patent are invalid due to the inventors' failure to disclose the best mode of practicing their invention; (g) claim 1 of the '000 patent is neither infringed by respondents' accused devices nor practiced by Finnigan; and (h) claims 15, 17, and 18 of the '000 patent, if valid, would be infringed by the accused devices and are practiced by Finnigan, which is sufficient to satisfy the domestic industry requirement of section 337.

On March 9, 1998, Finnigan filed a petition for review of the ID, arguing that the ALJ erred in his adverse findings relating to claim construction, validity, and infringement. Finnigan also filed a request for oral argument, in the event the Commission orders review of the ID. No petitions for review were filed by either respondents or the IA. Respondents and the IA filed responses in opposition to Finnigan's petition on March 16, 1998.

On March 13, 1998, the ALJ issued his Recommended Determination on Remedy and Bonding ("RD"), in the event the Commission were to conclude there is a violation of section 337. The parties filed their responses to the RD on or about March 25, 1998.

Having reviewed the record in this investigation, including the parties' written submissions, the Commission determined to take no position on the ALJ's findings that claims 12, 14, and 17 of the '884 patent and claim 15 of the