

INTERNATIONAL TRADE COMMISSION

Certain Cooking Ware From China, Korea, Mexico, and Taiwan¹

AGENCY: United States International Trade Commission.

ACTION: Notice of Commission determinations to conduct full five-year reviews concerning the countervailing duty and antidumping duty orders on certain cooking ware from China, Korea, Mexico, and Taiwan.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) to determine whether revocation of the countervailing duty and antidumping duty orders on certain cooking ware from China, Korea, Mexico, and Taiwan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date.

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207). Recent amendments to the Rules of Practice and Procedure pertinent to five-year reviews, including the text of subpart F of part 207, are published at 63 F.R. 30599, June 5, 1998, and may be downloaded from the Commission's World Wide Web site at <http://www.usitc.gov/rules.htm>.

EFFECTIVE DATE: May 6, 1999.

FOR FURTHER INFORMATION CONTACT: George Deyman (202-205-3197), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter 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

¹ The porcelain-on-steel cooking ware investigation numbers are as follows: China (731-TA-298 (Review)), Mexico (701-TA-265 (Review) and 731-TA-297 (Review)), and Taiwan (731-TA-299 (Review)). The top-of-the-stove stainless steel cooking ware investigation numbers are as follows: Korea (701-TA-267 (Review) and 731-TA-304 (Review)) and Taiwan (701-TA-268 (Review) and 731-TA-305 (Review)).

accessing its internet server (<http://www.usitc.gov>).

SUPPLEMENTARY INFORMATION: On May 6, 1999, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c)(5) of the Act. The Commission, in consultation with the Department of Commerce, grouped these reviews because they involve similar domestic like products. See 19 U.S.C. 1675(c)(5)(D); 63 FR 29372, 29374 (May 29, 1998).

With regard to certain cooking ware from Korea and Mexico, the Commission found that both the domestic interested party group response and the respondent interested party group responses to its notice of institution² were adequate and voted to conduct full reviews.

With regard to certain cooking ware from China and Taiwan, the Commission found that the domestic interested party group response was adequate and the respondent interested party group responses were inadequate. The Commission also found that other circumstances warranted conducting full reviews.³

A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's web site.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: May 11, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

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INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-392]

Certain Digital Satellite System (DSS) Receivers and Components Thereof; Notice of Commission Decision To Terminate the Investigation and To Vacate Portions of Initial Determination

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

² The notice of institution for all of the subject reviews was published in the **Federal Register** on Feb. 1, 1999 (64 FR 4896).

³ Commissioner Crawford dissenting.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to grant complainant's motion to terminate the investigation, to grant complainant's motion to vacate the final initial determination (ID) of the presiding administrative law judge (ALJ) on the issues of invalidity for anticipation and for lack of enablement, and to deny the motion to vacate in all other respects.

FOR FURTHER INFORMATION CONTACT: John A. Wasleff, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3094. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

SUPPLEMENTARY INFORMATION: This investigation was instituted on December 18, 1996, based on a complaint filed by Personalized Media Communications, LLC (PMC). 61 FR 66695-96. The respondents are DirectTV, Inc., United Satellite Broadcasting Co., Hughes Network Systems, Hitachi Home Electronics (America), Inc., Thomson Consumer Electronics, Inc., Toshiba America Consumer Products, Inc., and Matsushita Electric Corporation of America. The complaint alleges, inter alia, that respondents engaged in unlawful activities in violation of section 337 through the unlicensed importation and sale of goods infringing claim 1-7 of U.S. Letters Patent 5,335,277.

On October 20, 1997, the presiding ALJ issued a final ID in which he concluded that the asserted claims were invalid as indefinite under 35 U.S.C. 112 ¶2, that the asserted claims were invalid as not enabled under 35 U.S.C. 112 ¶1, that claim 7 is invalid as anticipated under 35 U.S.C. 102, and that no asserted claim was infringed. The Commission adopted the ALJ's claim constructions, his finding of invalidity for indefiniteness, and his finding of no infringement, but took no position on the other invalidity findings.

The Commission's determination was appealed to the U.S. Court of Appeals for the Federal Circuit, and on November 24, 1998, the Federal Circuit issued its opinion on appeal. The Court's mandate issued on February 26, 1999. The Court upheld the Commission as to three of the four claims at issue on appeal. The Court reversed the Commission with respect to its