

the petitions. On October 6, 2005, the Commission issued a notice indicating that it had determined to extend the deadline for determining whether to review the final ID by 8 days, i.e., from October 6, 2005, until October 14, 2005.

On October 20, 2005, the Commission issued a notice indicating that it had determined to review the final ID in its entirety. 70 FR 61157 (October 20, 2005). In connection with its review, the Commission requested written submissions on the issues under review and the issues of remedy, the public interest, and bonding. On October 27, 2005, Gateway filed a motion to stay the Commission's review of the ID and remand to the ALJ for additional findings concerning a license agreement related to the patents at issue in this investigation. On November 7, 2005, HP and the IA filed separate responses to Gateway's motion.

Having examined the record of this investigation, including the final ID and the submissions of the parties, the Commission has determined to reverse the ALJ's finding of literal infringement with respect to claims 7, 24, and 41 of the '184 patent and claim 9 of the '976 patent and to remand the investigation to the ALJ for findings concerning infringement of these claims under the doctrine of equivalents and whether the technical prong of the domestic industry requirement has been met in regard to the '184 and '976 patents. The Commission has also determined to vacate that portion of the ID which concerns infringement of claim 1 of the '318 patent under the doctrine of equivalents. The Commission has determined to affirm the remainder of the ID. The Commission has also directed the ALJ to consider and rule on Motion Docket No. 52C, filed by Gateway on October 27, 2005, which concerns a license agreement related to the patents at issue in this investigation. Finally, the Commission has directed the ALJ to extend the target date of the investigation as may be necessary to conclude the proceedings and to issue his findings on remand two months before the new target date.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and section 210.45 of the Commission's Interim Rules of Practice and Procedure (19 CFR 210.45).

Issued: December 8, 2005.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E5-7350 Filed 12-14-05; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—American Society of Mechanical Engineers

Notice is hereby given that, on November 25, 2005, pursuant to section 6(a) of the national Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), American Society of Mechanical Engineers ("ASME") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, since July 29, 2005, ASME has published several new standards, has initiated several new standards development projects, and has initiated a new conformity assessment program, all within the general nature and scope of ASME's standards development activities, as specified in its original notification. More detail regarding these changes can be found at <http://www.asme.org>.

On September 15, 2004, ASME filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on October 13, 2004 (69 FR 60895).

The last notification was filed with the Department on August 2, 2005. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 26, 2005 (70 FR 50406).

**Dorothy B. Fountain,**

*Deputy Director of Operations, Antitrust Division.*

[FR Doc. 05-24092 Filed 12-14-05; 8:45 am]

**BILLING CODE 4418-11-M**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Polyurea Development Association

Notice is hereby given that, on November 21, 2005, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Polyurea Development Association

("PDA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damage under specified circumstances. Specifically, PDA has added a new development activity to include a voluntary consensus standard for Polyurea/Geotextile Elastomeric Lining Systems.

On May 9, 2005, PDA filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 13, 2005 (70 FR 34151).

**Dorothy B. Fountain,**

*Deputy Director of Operations, Antitrust Division.*

[FR Doc. 05-24095 Filed 12-14-05; 8:45 am]

**BILLING CODE 4418-11-M**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—USB Implementers Forum, Inc.

Notice is hereby given that, on November 23, 2005, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), USB Implementers Forum, Inc. ("USB-IF") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the name and principal place of business of the standards development organization and (2) the nature and scope of its standards development activities. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to section 6(b) of the Act, the name and principal place of business of the standards development organization is: USB Implementers forum, Inc., Portland, OR. The nature and scope of USB-IF's standards development activities are: providing a support organization and forum for the advancement and adoption of USB technology, by facilitating the development of high quality compatible USB devices and promoting USB to accelerate end-user demand for USB

products through increased public awareness of the benefits of USB and the quality of products that have passed compliance testing. These purposes include:

(i) Defining, establishing and supporting a USB-product review program, testing protocol and logo-licensing program in support of the USB Primary Specifications (as defined below) and to foster and encourage the voluntary adoption of accurate labels, tests, and specifications by developers and test houses of products and services which utilize USB;

(ii) Developing and distributing specifications and other documents that augment, enhance or extend the USB Primary Specifications for the purposes of enabling and promoting increased interoperability and reliability among USB products; provided, however, that USB-IF's purposes do not include amending or developing USB Primary Specifications (the "USB Primary Specifications" include the USB Specification, the On-Tghe-Go Supplement, the Wireless USB Specification, and any other USB specification that USB-IF promoter members jointly designate a "USB Primary Specification");

(iii) Providing a forum and environment whereby the members of the corporation may meet to review requirements for product interoperability and general usability;

(iv) Educating the business and consumer communities as to the value, benefits and applications for USB-based products through the web site, public statements, publications, tradeshow demonstrations, seminar sponsorships and other programs established by USB-IF;

(v) Protecting the needs of consumers, promoting ease of use, and increasing competition among vendors by supporting the creating and implementation of reliable, uniform, industry-standard compliance test procedures and processes which support the interoperability of USB-based products and services;

(vi) Maintaining relationships and liaison with educational institutions, government research institutes, other technology consortia, and other organizations that support and contribute to the development of specifications and standards for USB-based products; and

(vii) Fostering competition in the development of new products and services based on USB Primary Specifications, in conformance with all

applicable antitrust laws and regulations.

**Dorothy B. Fountain,**

*Deputy Director of Operations, Antitrust Division.*

[FR Doc. 05-24093 Filed 12-14-05; 8:45 am]

BILLING CODE 4418-11-M

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### **United States v. SBC Communications Inc. and AT&T Corp.; Competitive Impact Statement, Proposed Final Judgment, Complaint, Amended Stipulation**

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a Complaint, proposed Final Judgment, Amended Stipulation, and Competitive Impact Statement have been filed with the U.S. District Court for the District of Columbia in *United States v. SBC Communications Inc.*, Civil Case No. 1:05CV02102 (EGS). On October 27, 2005, the United States filed a complaint alleging that the proposed acquisition of AT&T Corp. ("AT&T") by SBC Communications Inc. ("SBC") would violate Section 7 of the Clayton Act, 15 U.S.C. 18, by substantially lessening competition in the provision of local private lines (also called "special access") and other telecommunications services that rely on local private lines in eleven metropolitan areas: Chicago; Dallas-Fort Worth; Detroit; Hartford-New Haven, Connecticut; Indianapolis; Kansas City; Los Angeles; Milwaukee; San Diego; San Francisco-San Jose; and St. Louis. The proposed Final Judgment requires the defendants to divest assets in those eleven metropolitan areas in order to proceed with SBC's \$16 billion acquisition of AT&T. A Competitive Impact Statement filed by the United States on November 16, 2005 describes the Complaint, the proposed Final Judgment, the industry, and the remedies available to private litigants who may have been injured by the alleged violation.

Copies of the Complaint, proposed Final Judgment, Amended Stipulation, Competitive Impact Statement, and all further papers filed with the Court in connection with this Complaint will be available for inspection at the Antitrust Documents Group, Antitrust Division, Liberty Place Building, Room 215, 325 7th Street, NW., Washington, DC 20503 (202-514-2481), and at the Office of the Clerk of the U.S. District Court for the District of Columbia. Copies of these

materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments in writing regarding the proposed consent decree to the United States. Such comments must be received by the Antitrust Division within sixty (60) days and will be filed with the Court by the United States. Comments should be addressed to Nancy Goodman, Chief, Telecommunications & Media Enforcement Section, Antitrust Division, U.S. Department of Justice, 1401 H Street, NW., Suite 8000, Washington, DC 20530 (202-514-5621). At the conclusion of the sixty (60) day comment period, the U.S. District Court for the District of Columbia may enter the proposed consent decree upon finding that it serves the public interest.

**J. Robert Kramer II,**

*Director of Operations, Antitrust Division.*

#### **In the United States District Court for the District of Columbia**

*United States of America, United States Department of Justice, Antitrust Division, 1401 H Street, NW., Suite 8000, Washington, DC 20530, Plaintiff; v. SBC Communications, Inc., 175 East Houston, San Antonio, TX 78205; and AT&T Corp., One AT&T Way, Bedminster, NJ 07921, Defendants*

Case Number 1:05CV02102

Judge: Emmet G. Sullivan

Deck Type: Antitrust

Date Stamp: 10/27/2005

#### **Complaint**

The United States of America, acting under the direction of the Attorney General of the United States, brings this civil action to enjoin the merger of two of the largest providers of telecommunications services in the United States, SBC Communications, Inc. ("SBC") and AT&T Corp. ("AT&T"), and alleges as follows:

1. On January 30, 2005, SBC entered into an agreement to acquire AT&T. If approved, the transaction would create the nation's largest provider of telecommunications services. Plaintiff seeks to enjoin this transaction because it will substantially lessen competition for (a) Local Private Lines that connect hundreds of commercial buildings in SBC's franchised territory to a carrier's network or other local destination, and (b) other telecommunications services that rely on Local Private Lines.

2. SBC and AT&T compete in the sale of wireline telecommunications services to retail and wholesale customers in the United States.