

investigation will prejudice the public interest. No petitions for review of this ID were filed.

The Commission has determined not to review the ID.

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 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

By order of the Commission.

Issued: July 7, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8-15721 Filed 7-10-08; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. AGOA-002]

### Denim Fabric: Use in AGOA Countries During Fiscal Year 2007

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice of determination.

*Determination:* Based on the information developed in the subject investigation, the United States International Trade Commission determines, pursuant to section 112(c)(2)(B)(iii) of the African Growth and Opportunity Act (AGOA),<sup>1</sup> that the quantity of denim fabric<sup>2</sup> produced in beneficiary sub-Saharan African (SSA) countries for use by lesser-developed beneficiary (LDB) SSA countries that was used in the production of apparel articles receiving U.S. preferential treatment during the period October 1, 2006–September 30, 2007 (fiscal year 2007) was 21,120,000 square meter equivalents (SMEs).

*Background:* Section 112(c)(2)(B)(iii) of AGOA requires the Commission to determine, after the end of each year for which an availability determination is in effect, the extent to which the fabric or yarn determined to be available in commercial quantities for use in LDB SSA countries was used in the production of apparel articles receiving preferential treatment. To the extent that the quantity so determined was not so used, section 112(c)(2)(B)(iii) requires the Commission to add to the quantity of that fabric or yarn determined to be available in the next applicable 1-year

period the quantity not so used in the preceding applicable 1-year period. Congress, in section 112(c)(2)(C) of AGOA, deemed the subject denim fabric to be available in commercial quantities for use in LDB SSA countries in the amount of 30 million SMEs during fiscal year 2007, as if the Commission had made such a determination.

Having determined that the quantity of subject denim fabric used in the production of apparel articles receiving preferential treatment during fiscal year 2007 (21,120,000 SMEs) was less than the 30 million SMEs deemed to be available by statute for that year, the Commission has added the shortfall of 8,880,000 SMEs to the quantity of subject denim fabric that it previously determined will be so available during fiscal year 2008 (21,303,613 SMEs).<sup>3</sup> The adjusted quantity of subject denim fabric that will be so available during fiscal year 2008 is 30,183,613 SMEs.

Notice of the institution of the Commission's investigation and of the scheduling of a public hearing in connection therewith was given by posting a copy of the notice on the Commission's Web site (<http://www.usitc.gov>) and by publishing the notice in the **Federal Register** of December 3, 2007 (72 FR 67961). The hearing was held on April 9, 2008, in Washington, DC; all persons who requested the opportunity were permitted to appear in person or by counsel.

The views of the Commission are contained in USITC Publication No. 4021 entitled *Denim Fabric: Use in AGOA Countries During Fiscal Year 2007*.

By order of the Commission.

Issued: July 7, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8-15718 Filed 7-10-08; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-606]

### In the Matter of: Certain Personal Computers and Digital Display Devices; Notice of Commission Determination Not To Review an Initial Determination Terminating the Investigation on the Basis of a Settlement Agreement

**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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 31) granting the joint motion to terminate the captioned investigation based on a settlement agreement.

#### FOR FURTHER INFORMATION CONTACT:

Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E. Street, SW., Washington, DC 20436, telephone (202) 708-2301. 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 May 21, 2007, based on a complaint filed by Hewlett-Packard Company ("HP") of Palo Alto, California. 72 FR 28520-1. The complaint, as amended and supplemented, alleges violations 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 personal computers and digital display devices by reason of infringement of certain claims of U.S. Patent Nos. 6,691,236; 6,029,119; 5,353,415; and 6,894,706. The complaint further alleges the existence

<sup>1</sup> 19 U.S.C. 3721(c)(2)(B)(iii).

<sup>2</sup> Denim articles provided for in subheading 5209.42.00 of the Harmonized Tariff Schedule. See section 112(c)(2)(C) of AGOA, 19 U.S.C. 3721(c)(2)(C).

<sup>3</sup> See the Commission's determination in investigation No. AGOA-001, *Commercial Availability of Fabric & Yarn in AGOA Countries: Certain Denim*, Publication 3950 (Sept. 2007) at 1; 72 FR 56382 (Oct. 3, 2007).

of a domestic industry. The Commission's notice of investigation named Acer Incorporated of Taipei, Taiwan and Acer America Corporation of San Jose, California as respondents (collectively "Acer").

On June 6, 2008, HP and Acer jointly moved to terminate the investigation on the basis of a settlement agreement. On June 16, 2008, the Commission investigative attorney filed a response supporting the motion.

On June 17, 2008, the ALJ issued the subject ID granting the joint motion to terminate the investigation based on the settlement agreement. The ALJ found that the motion complied with the requirements of Commission Rule 210.21(b) by including copies of the settlement agreement and a statement that there are no other agreements, written or oral, express or implied, between the parties concerning the subject matter of the investigation. The ALJ concluded, pursuant to Commission Rule 210.50(b)(2), that there is no evidence that termination of this investigation will prejudice the public interest. No petitions for review of this ID were filed.

The Commission has determined not to review the ID.

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 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

By order of the Commission.

Issued: July 7, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8-15719 Filed 7-10-08; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-652]

### In the Matter of Certain Rubber Antidegradants, Antidegradant Intermediates, and Products Containing the Same; 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 May 12, 2008, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Flexsys America L.P.

of St. Louis, Missouri. A supplement to the complaint was filed on June 2, 2008. On June 2, 2008, the Commission voted to extend by 30 days the deadline for its decision on whether to institute an investigation based on the complaint. The complaint, as supplemented, 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 rubber antidegradants, antidegradant intermediates, and products containing the same that infringe certain claims of U.S. Patent Nos. 5,453,541 and 5,608,111. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests 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:** Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2572.

**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 (2008).

**Scope of Investigation:** Having considered the complaint, the U.S. International Trade Commission, on July 2, 2008, 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 rubber antidegradants, antidegradant intermediates, or products containing the same that infringe one or more of claims 61-74 of U.S. Patent No. 5,453,541 and claims 23-28 of U.S. Patent No. 5,608,111, 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 complainant is—

Flexsys America L.P., 575 Maryville Centre, St. Louis, Missouri 63141.

(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:

Sinorgchem Co., Shandong, No. 1, Beihuan Road, Caoxian, Shandong, China 274400;

Korea Kumho Petrochemical Co., Ltd., 15/16F Kumho-Asiana Building, #57, 1-Ga, Shinmun-Ro, Jongro-Gu, Seoul, South Korea;

Kumho Tire USA, Inc., 10299 6th Street, Rancho Cucamonga, California 91730; Kumho Tire Co., Inc., 58-31, 1-Ga, Shinmun-Ro, Jongro-Gu, Seoul, South Korea.

(c) The Commission investigative attorney, party to this investigation, is Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and (3) For the investigation so instituted, the Honorable Paul J. Luckern 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 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