

be prepared to present proper identification.

**Authority:** The General Counsel has certified, pursuant to Commission Rule 201.39 (19 CFR 201.39) that a portion of the Commission's hearing in *Lightweight Thermal Paper from China and Germany*, Inv. Nos. 701-TA-451, 731-TA-1126-27 (Final), may be closed to the public to prevent the disclosure of BPI.

By order of the Commission.

Issued: September 29, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8-23323 Filed 10-2-08; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-574]

### In the Matter of Certain Equipment for Telecommunications or Data Communications Networks, Including Routers, Switches, and Hubs, and Components Thereof; Notice of Commission Determination Not To Review an Initial Determination Granting a Joint Motion To Terminate the Investigation Based on 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 an initial determination ("ID") (Order No. 52) of the presiding administrative law judge ("ALJ") granting a joint motion for termination of the above-captioned investigation based on a settlement agreement.

**FOR FURTHER INFORMATION CONTACT:** Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-2310. 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 June 16, 2006, based on a complaint filed on May 15, 2006, by Telcordia Technologies, Inc. ("Telcordia") of Piscataway, New Jersey. An amended complaint was filed on June 5, 2006. The complaint as amended 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 equipment for telecommunications or data communications networks, including routers, switches, hubs, and components thereof, by reason of infringement of claims 1, 3, and 4 of U.S. Patent No. 4,893,306 ("the '306 patent"); claims 1, 3, 5, 8, 11, and 33 of U.S. Patent No. Re. 36,633 ("the '633 patent"); and claims 1, 2, 7, and 8 of U.S. Patent No. 4,835,763 ("the '763 patent"). The amended complaint named five respondents: Cisco Systems, Inc. ("Cisco") of San Jose, California; Lucent Technologies, Inc. ("Lucent") of Murray Hill, New Jersey; Alcatel S.A. of France and Alcatel USA, Inc. of Plano, Texas (collectively "Alcatel"); and PMC-Sierra, Inc. ("PMC-Sierra") of Santa Clara, California. The complaint further alleged that an industry in the United States exists as required by subsection (a)(2) of section 337.

On August 23, 2006, the Commission issued notice of its determination not to review an ID terminating the investigation as to the '306 patent and certain claims of the '633 patent. On January 4, 2007, the Commission issued notice of its determination not to review an ID terminating the investigation as to the '763 patent. On June 15, 2007, the Commission issued notice of its determination not to review an ID terminating the investigation as to respondents Alcatel and Lucent on the basis of a settlement agreement. On August 8, 2008, the Commission issued notice of its determination not to review an ID terminating the investigation as to respondent PMC-Sierra. On September 17, 2008, the Commission issued notice of its determination not to review an ID granting Telcordia's motion for summary determination that respondent Cisco is precluded from litigating certain issues in view of a previous judgment in a case involving the same issues and the same parties in the U.S. District Court for the District of Delaware.

On August 29, 2008, Telcordia and Cisco filed a joint motion for

termination of the investigation, based on a settlement agreement. The ALJ issued the subject ID on September 8, 2008, granting the joint motion. No petitions for review of the ID were filed. The Commission has determined not to review the subject 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 sections 210.21(a)(2), (b), and 210.42(h) of the Commission's Rules of Practice and Procedure, 19 CFR 210.21(a)(1), (b), 210.42(h).

By order of the Commission.

Issued: September 29, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8-23320 Filed 10-2-08; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-571]

### In the Matter of Certain L-Lysine Feed Products, Their Methods of Production and Genetic Constructs for Production; Notice of Commission Determination (1) To Review and Not Take a Position on Certain Issues in the Final Initial Determination of the Administrative Law Judge and (2) Not To Review the Remainder of the Final Initial Determination; Termination of the Investigation

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined (1) to review and not take a position on certain issues in the final initial determination ("ID") of the presiding administrative law judge ("ALJ") and (2) not to review the remainder of the ID finding no violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"). This action terminates the investigation.

**FOR FURTHER INFORMATION CONTACT:** James Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3065. 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:** On May 31, 2006, the Commission instituted this investigation based upon a complaint filed on behalf of Ajinomoto Heartland LLC (Chicago, Illinois) ("Ajinomoto Heartland"). 71 FR 30958 (May 31, 2006). The complaint, as amended, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain L-lysine feed products and genetic constructs for production thereof by reason of infringement of claims 13, 15-19, and 21-22 of U.S. Patent No. 5,827,698 ("the '698 patent") and claims 1, 2, 15, and 22 of U.S. Patent No. 6,040,160 ("the '160 patent").

The complaint named as respondents Global Bio-Chem Technology, Group Company Ltd. (Admiralty, Hong Kong), Changchun Dacheng Bio-Chem Engineering Development Co., Ltd., (Jilin Province, China), Changchun Baocheng Bio Development Co., Ltd. (Jilin Province, China), Changchun Dahe Bio Technology Development Co., Ltd. (Jilin Province, China), Bio-Chem Technology (HK) Ltd. (Admiralty, Hong Kong) (collectively, "GBT"). 71 FR 30958. On June 29, 2006, Ajinomoto Heartland further amended the complaint and notice of institution by adding its parent company, Ajinomoto, Inc. (Tokyo, Japan) as a complainant. 71 FR 43209 (July 31, 2006).

On October 15, 2007, the Commission determined not to review an order of the ALJ, granting Ajinomoto's motion to withdraw claims 1, 2, and 22 of the '160 patent and claims 13, 16-19, and 21-22 of the '698 patent.

On July 31, 2008, the ALJ issued his final ID, in which he found no violation of section 337 with regard to either the '160 or the '698 patents because he found that the asserted claims of both patents were invalid for failure to satisfy the best mode requirement of 35 U.S.C. 112 ¶ 1 on two separate grounds and that both patents were unenforceable because of inequitable conduct. He found infringement of the asserted

claims through importation of lysine made using the "old" strain of E. coli by GBT, but not the "new" strain, based upon the stipulation of the parties. The ALJ also found the existence of a domestic industry for the asserted claims, and found that the asserted claims were not invalid for obviousness or obviousness-type double patenting, and that the asserted patents were not unenforceable by reason of unclean hands.

On August 19, 2008, Ajinomoto petitioned for review of the ALJ's final ID regarding invalidity of the asserted claims for failure to meet the best mode requirement and unenforceability of the patents because of inequitable conduct. Neither GBT nor the Commission investigative attorney petitioned for review of any part of the ID.

Having examined the relevant portions of the record in this investigation, including the final ID, the petition for review, and the responses thereto, the Commission has determined (1) to review and take no position on (a) the ALJ's finding that claim 15 of the '160 patent is invalid for failure to meet the best mode requirement to the extent that finding is based on alleged fictitious data and (b) the ALJ's finding that the '160 patent is unenforceable for inequitable conduct and (2) not to review the remainder of the ID. Thus, the investigation is terminated with a finding of no violation of section 337.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.42-.46 of the Commission's Rules of Practice and Procedure (19 CFR 210.42-.46).

By order of the Commission.

Issued: September 29, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8-23324 Filed 10-2-08; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-571]

### In the Matter of Certain L-Lysine Feed Products, Their Methods of Production and Genetic Constructs for Production; Notice of Commission Determination (1) To Review and Not Take a Position on Certain Issues in the Final Initial Determination of the Administrative Law Judge and (2) Not To Review the Remainder of the Final Initial Determination; Termination of the Investigation

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined (1) to review and not take a position on certain issues in the final initial determination ("ID") of the presiding administrative law judge ("ALJ") and (2) not to review the remainder of the ID finding no violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"). This action terminates the investigation.

**FOR FURTHER INFORMATION CONTACT:** James Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3065. 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:** On May 31, 2006, the Commission instituted this investigation based upon a complaint filed on behalf of Ajinomoto Heartland LLC (Chicago, Illinois) ("Ajinomoto Heartland"). 71 FR 30958 (May 31, 2006). The complaint, as amended, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), in the importation into the United States, the