

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management**

[MT-922-09-1310-FI-P; NDM 94955, NDM 97028 and NDM 97029]

**Notice of Proposed Reinstatement of Terminated Oil and Gas Leases NDM 94955, NDM 97028 and NDM 97029**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** Per 30 U.S.C. 188(d), Whiting Oil & Gas Corporation timely filed petitions for reinstatement of oil and gas leases NDM 94955, NDM 97028 and NDM 97029, Billings and McKenzie Counties, North Dakota. The lessee paid the required rentals accruing from the date of termination.

No leases were issued that affect these lands. The lessee agrees to new lease terms for rentals and royalties of \$10 per acre and 16 $\frac{2}{3}$  percent or 4 percentages above the existing competitive royalty rate. The lessee paid the \$500 administration fee for the reinstatement of each lease and \$163 cost for publishing this Notice.

The lessee met the requirements for reinstatement of the leases per Sec. 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188). We are proposing to reinstate the leases, effective the date of termination subject to:

- The original terms and conditions of the leases;
- The increased rental of \$10 per acre;
- The increased royalty of 16 $\frac{2}{3}$  percent or 4 percentages above the existing competitive royalty rate; and
- The \$163 cost of publishing this Notice

**FOR FURTHER INFORMATION CONTACT:** Teri Bakken, Chief, Fluids Adjudication Section, BLM Montana State Office, 5001 Southgate Drive, Billings, Montana 59101-4669, 406-896-5091.

Dated: February 12, 2009.

**Teri Bakken,**

*Chief, Fluids Adjudication Section.*

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**BILLING CODE 4310-SS-P**

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-617]

**In the Matter of Certain Digital Televisions and Certain Products Containing Same and Methods of Using Same; Notice of Commission Determination To Review in Part a Final Determination Finding a Violation of Section 337; Schedule for Filing Written Submissions on the Issues Under Review and on Remedy, the Public Interest and Bonding**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review in part the final initial determination (“ID”) issued by the presiding administrative law judge (“ALJ”) on November 17, 2008, finding a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:**

Daniel E. Valencia, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-1999. 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 November 15, 2007, based on a complaint filed by Funai Electric Co., Ltd. of Japan and Funai Corporation of Rutherford, NJ (collectively “Funai”), alleging violations of section 337 of the Tariff Act of 1930 (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 digital televisions and certain products containing the same and methods of using the same by

reason of infringement of certain claims of United States Patent Nos. 5,329,369 (“the ‘369 patent’”) and 6,115,074 (“the ‘074 patent’”). 72 **Federal Register** 64240 (November 15, 2007). The complaint named fourteen respondents. Subsequent to institution, three respondents were terminated from the investigation based on settlement agreements.

On November 17, 2008, the ALJ issued his final ID, finding that a violation of section 337 has occurred in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain digital televisions and certain products containing the same and methods of using the same by reason of infringement of certain claims of the ‘074 patent. The ALJ found that no violation exists with respect to the ‘369 patent. On November 25, 2008, the ALJ issued a recommended determination on remedy and bonding (“RD”). The respondents, the Commission investigative attorney (“IA”), and complainant Funai filed petitions for review of the ID on December 1, 2008. The IA, the respondents, and complainant Funai each filed responses to the petitions for review on December 9, 2008.

On December 4, 2008, the respondents filed a motion requesting judicial notice of Funai’s response to an office action in the pending U.S. Patent and Trademark Office (“USPTO”) reexamination proceedings concerning the ‘074 patent. In the alternative, the respondents requested that the evidentiary record be reopened to allow Funai’s response to the USPTO to be admitted. On December 15, 2008, the IA and Funai replied to the respondents’ motion. On December 17, 2008, the respondents filed a motion for leave to reply and, thereafter, corrected its submission on December 18, 2008. On December 18, 2008 and December 29, 2008, respectively, Funai and the IA replied to respondents’ motion for leave.

The Commission notes that the ALJ took notice of the ongoing reexamination proceedings. The Commission has determined to deny Respondents’ motion to take judicial notice of specific documents filed in that proceeding. The Commission has also determined to deny Respondents’ alternative request for reopening of the record as well as Respondents’ motion for leave to reply.

Having examined the record of this investigation, including the ALJ’s final ID, the petitions for review, and the responses thereto, the Commission has determined to review the final ID in part. Specifically, the Commission has