

of United States Patent No. 6,538,908 (“the ‘908 patent”).

On October 27, 2008, SG filed a petition for modification of the limited exclusion order in light of *Kyocera Wireless Corp. v. Int’l Trade Comm’n*, 545 F.3d 1340 (Fed. Cir. 2008), requesting that the Commission modify the existing exclusion order so it does not exclude downstream products of non-respondents. On November 7, 2008, complainant PI filed an opposition to SG’s petition for modification. On the same day, the Commission IA filed a response supporting SG’s petition. Finally, on November 26, 2008, SG moved for leave to file a reply in support of its petition and also filed the reply.

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determination on the petition for modification. The Commission has determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of power supply controllers that infringe one or more of claims 1, 3, 5, and 6 of the ‘398 patent or claims 26 and 27 of the ‘908 patent and that are manufactured abroad by or on behalf of, or imported by or on behalf of, SG, its affiliated companies, parents, subsidiaries, licensees, contractors, or other related business entities, or successors or assigns. The Commission has also determined to prohibit the unlicensed entry of liquid crystal display (“LCD”) computer monitors, AC printer adapters, and sample/demonstration boards containing such infringing power supply controllers that are manufactured abroad by or on behalf of, or imported by or on behalf of, SG, its affiliated companies, parents, subsidiaries, licensees, contractors, or other related business entities, or successors or assigns.

The Commission has further determined that the public interest factors enumerated in 19 U.S.C. 1337(d)(1) do not preclude issuance of the limited exclusion order.

Accordingly, the Commission hereby orders that:

1. Power supply controllers that infringe one or more of claims 1, 3, 5, and 6 of United States Patent No. 6,351,398 and that are manufactured abroad by or on behalf of, or imported by or on behalf of, SG, or any of its affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, and LCD computer monitors, AC printer adapters, and sample/demonstration boards that contain such infringing power supply controllers and that are

manufactured abroad by or on behalf of, or imported by or on behalf of, SG, or any of its affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, are excluded from entry for consumption into the United States, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, for the remaining term of the patent, except under license of the patent owner or as provided by law.

2. Power supply controllers that infringe one or more of claims 26 and 27 of United States Patent No. 6,538,908 and that are manufactured abroad by or on behalf of, or imported by or on behalf of, SG, or any of its affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, and LCD computer monitors, AC printer adapters, and sample/demonstration boards that contain such infringing power supply controllers and that are manufactured abroad by or on behalf of, or imported by or on behalf of, SG, or any of its affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, are excluded from entry for consumption into the United States, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, for the remaining term of the patent, except under license of the patent owner or as provided by law.

3. In accordance with PI’s withdrawal of infringement allegations against certain of SG’s products, the provisions of this Order shall not apply to SG’s power supply controllers SG6105, SG68501, SG68502, SG38xx, SG5841, SG5848, SG6842J w/HV Start, SG6846, SG6846A, SG6848, SG6848x, SG6849, SG6850, and SG69xx.

4. When the United States Bureau of Customs and Border Protection (“Customs”) is unable to determine by inspection whether power supply controllers, LCD computer monitors, AC printer adapters, or sample/demonstration boards fall within the scope of this Order, it may, in its discretion, accept a certification, pursuant to procedures specified and deemed necessary by Customs, from persons seeking to import said products that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraphs 1 or 2 of this Order. At its discretion, Customs may require persons who have provided the certification described in this paragraph

to furnish such records or analyses as are necessary to substantiate the certification.

5. In accordance with 19 U.S.C. 1337(l), the provisions of this Order shall not apply to power supply controllers, LCD computer monitors, AC printer adapters, or sample/demonstration boards containing the same that are imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

6. The Commission may modify this Order in accordance with the procedures described in section 210.76 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.76.

7. The Secretary shall serve copies of this Order upon each party of record in this investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the Bureau of Customs and Border Protection.

8. Notice of this Order shall be published in the **Federal Register**.

By Order of the Commission.

Issued: February 27, 2009.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E9-4704 Filed 3-4-09; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on February 25, 2009, a Consent Decree in *United States v. Valley-Proctor LLC*, Civil Action No. 09-cv-1331 AHM(AJW)x, was lodged with the United States District Court for the Central District of California.

The Consent Decree resolves claims brought by the United States, on behalf of the United States Environmental Protection Agency (“EPA”), and the California Department of Toxic Substances Control (“DTSC”) under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607, *et seq.* related to the releases and threatened releases of hazardous substances at the Puente Valley Operable Unit of the San Gabriel Valley Area 4 Superfund Site (“Site”) in Los Angeles County, California.

The proposed Consent Decree requires Defendant to pay the United

States \$550,000 and DTSC \$5,000, in reimbursement of past response costs. Some or all of the settlement payments will be proceeds from the sale of the property owned by the defendant at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Valley-Proctor, LLC*, D.J. Ref. 90-11-2-09232.

The Consent Decree may be examined at U.S. EPA Region IX at 75 Hawthorne Street, San Francisco, California 94105. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, to [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$10.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**Henry Friedman,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. E9-4613 Filed 3-4-09; 8:45 am]

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**DEPARTMENT OF LABOR**

**Office of the Secretary**

**Submission for OMB Emergency Review: Comment Request**

February 27, 2009.

The Department of Labor has submitted the following information collection request (ICR), utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35) and 5 CFR

1320.13. OMB approval has been requested by March 10, 2009. A copy of this ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at <http://www.reginfo.gov/public/do/PRAMain> or by contacting Darrin King on 202-693-4129 (this is not a toll-free number)/e-mail: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov). Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor—EBSA, Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202-395-7316/Fax: 202-395-6974 (these are not toll-free numbers), E-mail: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Comments and questions about the ICR listed below should be received 5 days prior to the requested OMB approval date.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

*Agency:* Employee Benefits Security Administration.

*Title of Collection:* Notice Requirements of the Health Care Continuation Coverage—American Recovery and Reinvestment Act of 2009 Revision.

*OMB Control Number:* 1210-0123.

*Frequency of Collection:* On occasion.

*Affected Public:* Individuals or households; Business or other for-profit; Not-for-profit institutions.

*Total Estimated Number of Respondents:* 2.5 million.

*Total Estimated Annual Burden Hours:* 0.

*Total Net Estimated Annual Costs Burden (other than hourly costs):* \$16.1 million.

*Description:* Section 3001 of the American Recovery and Reinvestment Act of 2009 (ARRA) provides "Assistance Eligible Individuals" with the right to pay reduced COBRA premiums for up to 9 months. To be considered an "Assistance Eligible Individual" and receive premium reduction an individual must: (1) be eligible for, and elect, COBRA continuation coverage, (2) have experienced an involuntary termination of employment which led to the COBRA election opportunity, (3) have experienced the involuntary termination during the period beginning September 1, 2008, and ending December 31, 2009. Individuals who experienced an involuntary termination of employment at any time between September 1, 2008, and February 16, 2009, and were offered, but did not elect, COBRA coverage or who elected COBRA and subsequently dropped it may have the right to an additional 60-day election period.

ARRA section 3001(a)(7)(D) requires the Secretary of Labor to consult with the Secretaries of Treasury and Health and Human Services to develop model notices no later than 30 days after the date of enactment for use by group health plan and other entities, that, pursuant to ARRA, must provide notices to affected individuals regarding the availability of premium reductions and the additional election period for health care continuation coverage. The ICR relates to the issuance of the model notices.

*Why are we requesting Emergency Processing?* If the Department were to comply with standard PRA clearance procedures, it would not be able to publish the model notices within 30 days after the ARRA enactment date.

**Darrin A. King,**

*Departmental Clearance Officer.*

[FR Doc. E9-4733 Filed 3-4-09; 8:45 am]

BILLING CODE 4510-29-P

**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Announcement Regarding States Triggering "On" to the Second-Tier of Emergency Unemployment Compensation 2008 (EUC08)**

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.