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(Authority: 43 CFR 2711.1-2(a) and (c))

Dated: April 15, 2009.

**Tom Pogacnik,**

*Deputy State Director, Natural Resources (CA-930).*

[FR Doc. E9-13115 Filed 6-4-09; 8:45 am]

**BILLING CODE 4310-40-P**

## **INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-623]

### **In the Matter of Certain R-134a Coolant (Otherwise Known As 1,1,1,2-Tetrafluoroethane); Notice of Commission Determination To Review the Remand Determination of the Presiding Administrative Law Judge and To Extend the Target Date**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review the Remand Determination ("RID") issued by the presiding administrative law judge ("ALJ") in the above-captioned investigation on April 1, 2009. The Commission has also determined to extend the target date for completion of the investigation to August 3, 2009.

**FOR FURTHER INFORMATION CONTACT:** Paul M. Bartkowski, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-5432. 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 December 31, 2007, based on a complaint filed by INEOS Fluor Holdings Ltd., INEOS Fluor Ltd., and INEOS Fluor Americas LLC (collectively, "Ineos"). The complaint alleged 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 R-134a coolant (otherwise known as 1,1,1,2-tetrafluoroethane) by reason of infringement of various claims of United States Patent No. 5,744,658. Complainants subsequently added allegations of infringement with regard to United States Patent Nos. 5,382,722 and 5,559,276 ("the '276 patent'"), but only claim 1 of the '276 patent remains at issue in this investigation. The complaint named two respondents, Sinochem Modern Environmental Protection Chemicals (Xi'an) Co., Ltd. and Sinochem Ningbo Ltd. Two additional respondents were subsequently added: Sinochem Environmental Protection Chemicals (Taicang) Co., Ltd. and Sinochem (U.S.A.) Inc. The four respondents are collectively referred to as "Sinochem."

On December 1, 2008, the ALJ issued his final ID, finding that Sinochem had violated section 337. He concluded that respondents' accused process infringed claim 1 of the '276 patent and that the domestic industry requirement had been met. He also found that claim 1 was not invalid and that it was not unenforceable. The Commission determined to review the ALJ's final ID with regard to the effective filing date of the asserted claim, anticipation, and obviousness, to supplement the ALJ's reasoning regarding the effective filing date, and to remand the investigation to the ALJ to conduct further proceedings related to anticipation and obviousness. To accommodate the remand, the Commission extended the target date to June 1, 2009 and instructed the ALJ to issue the RID by April 1, 2009.

The ALJ issued the RID on April 1, 2009. The RID concluded that Sinochem's arguments concerning anticipation and obviousness were waived under the ALJ's ground rules and, alternatively, that the arguments were without merit. Sinochem filed a petition for review of the RID. The Commission investigative attorney ("IA") and Ineos opposed Sinochem's petition. Subsequently, Sinochem filed a motion to strike and for leave to file a reply to Ineos's and the IA's oppositions.

Having examined the record of this investigation, including the ALJ's RID and the submissions of the parties, the Commission has determined to review the RID in its entirety.

*To assist in its review, and in order to more fully analyze Sinochem's "admission"-based arguments, the Commission is interested in receiving further briefing on the following questions:*

(1) Based upon the undisputed scope and content of the prior art as set forth in the '276 patent specification and as presented by the expert witnesses at trial, what differences exist between the prior art and claim 1 of the '276 patent?

(2) Based on your answer to question (1), would claim 1 have been obvious in light of the remand references to a person of ordinary skill in the art under *KSR International, Co. v. Teleflex Co.*, 550 U.S. 398 (2007)?

(3) Are the ALJ's conclusions regarding waiver consistent with Commission Rule 210.14(c)? If not, what is the effect on the ALJ's conclusions in the remand determination?

(4) Does the exception to the ALJ's ground rule reciting that "contentions of which a party is not aware and could not be aware in the exercise of reasonable diligence at the time of filing the pre-hearing statements" apply to Respondents' contentions regarding admissions elicited during the hearing? If so, what is the effect on the ALJ's conclusions in the remand determination?

The Commission has determined to extend the target date for completion of this investigation to August 3, 2009, in order to provide adequate time for review of the RID. The Commission has determined to deny as moot Sinochem's motion to strike and for leave to file a reply.

*Written Submissions:* The parties to the investigation are requested to file written submissions on the issues under review. The submissions should be concise and thoroughly referenced to the record in this investigation, including references to exhibits and testimony. The written submissions must be filed no later than close of business on June 15, 2009. Reply submissions must be filed no later than the close of business on June 25, 2009. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Any person desiring to submit a document to the Commission in confidence must request confidential

treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

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 the Commission's Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.

Issued: June 1, 2009.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E9-13110 Filed 6-4-09; 8:45 am]

**BILLING CODE 7020-03-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-666]

### Notice of Commission Decision Not To Review an Initial Determination Correcting the Name of ASUS Computer International in the Complaint and Notice of Investigation; Certain Cold Cathode Fluorescent Lamp ("CCFL") Inverter Circuits and Products Containing the Same

**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. 8) issued by the presiding administrative law judge ("ALJ") in the above-referenced investigation correcting the name of ASUS Computer International in the complaint and notice of 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 January 14, 2009, based on a complaint filed by O2 Micro International, Ltd. of the Cayman Islands and O2 Micro, Inc. of Santa Clara, California (collectively, "O2 Micro"). 74 FR 2099. The complaint alleges 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 cold cathode fluorescent lamp inverter circuits and products containing the same by reason of infringement of various U.S. patents. The complaint names ten respondents, including ASUSTeK Computer International America of Fremont, California.

On April 27, 2009, O2 Micro moved to amend the complaint and notice of investigation to correct the name of respondent ASUSTeK Computer International America to ASUS Computer International ("ASUS"). No party opposed this motion.

On May 13, 2009, the ALJ issued the subject ID correcting the name of respondent ASUS. No petitions for review of the ID were filed.

The Commission has determined not to review the ALJ's 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: June 2, 2009.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E9-13129 Filed 6-4-09; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-465 and 731-TA-1161 (Preliminary)]

### Certain Steel Grating From China

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

**ACTION:** Institution of countervailing duty and antidumping duty investigations and scheduling of preliminary phase investigations.

**SUMMARY:** The Commission hereby gives notice of the institution of investigations, commencement of preliminary phase countervailing duty investigation No. 701-TA-465 (Preliminary), and commencement of antidumping duty investigation No. 731-TA-1161 (Preliminary) under sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from China of certain steel grating, provided for in subheading 7308.90.70 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by the Government of China and sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B) of the Act (19 U.S.C. 1673a(c)(1)(B)), the Commission must reach preliminary determinations in these investigations in 45 days, or in this case by July 13, 2009. The Commission's views are due at Commerce within five business days thereafter, or by July 20, 2009.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

**DATES:** *Effective Date:* May 29, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Edward Petronzio (202-205-3176), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter 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