

revision of the Puerto Rican Parrot recovery plan available for public comment from June 17, 2008 through August 18, 2008 (73 FR 34313). We considered information we received during the public comment period and information from peer reviewers in our preparation of this final revised recovery plan. We will forward substantive comments to other Federal agencies so each agency can consider these comments in implementing approved recovery plans.

The objective of this revised plan is to provide a framework for the recovery of the Puerto Rican parrot, so that protection under the Act is no longer necessary. The plan presents criteria for reclassifying and delisting the parrot. As these criteria are met, the status of the species will be reviewed and it will be considered for reclassification or removal from the Federal List of Endangered and Threatened Wildlife and Plants.

**Authority:** The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533 (f).

Dated: April 14, 2009.

**Jacquelyn B. Parrish,**

*Acting Regional Director.*

[FR Doc. E9-14217 Filed 6-16-09; 8:45 am]

**BILLING CODE 4310-55-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-629]

### In the Matter of Certain Silicon Microphone Packages and Products Containing the Same; Notice of Commission Final Determination of Violation of Section 337; Issuance of a Limited Exclusion Order; Termination of Investigation

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined that there is a violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337) by respondent MEMS Technology Berhad of Malaysia ("MemsTech") in the above-captioned investigation. The Commission has issued a limited exclusion order against the respondent and has terminated the investigation.

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3116. 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, 2008, based on the complaint of Knowles Electronics, LLC of Itasca, Illinois ("Knowles"). 73 FR 2277 (Jan. 14, 2008). 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 silicon microphone packages or products containing same by reason of infringement of one or more of claims 1 and 2 of U.S. Patent No. 6,781,231 ("the '231 patent"), and claims 1, 2, 9, 10, 15, 17, 20, 28, and 29 of U.S. Patent No. 7,242,089 ("the '089 patent"). The only named respondent is MemsTech.

The evidentiary hearing in this investigation was held on September 22-25, 2008. On January 12, 2009, the presiding administrative law judge ("ALJ") issued an Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond, finding a violation of section 337. All parties to this investigation, including the Commission investigative attorney, filed timely petitions for review of various portions of the final ID, as well as timely responses to the petitions.

The Commission determined to review various portions of the final ID and issued a Notice to that effect dated March 13, 2009. 74 FR 11748 (Mar. 19, 2009). In the Notice, the Commission also set a schedule for the filing of written submissions on the issues under review, including certain questions posed by the Commission, and on remedy, the public interest, and bonding. The parties have briefed, with initial and reply submissions, the issues under review and the issues of remedy, the public interest, and bonding.

On review, the Commission has determined as follows.

- (1) With respect to the '231 patent:
  - (a) To affirm with modifications the ALJ's finding that MemsTech's accused products infringe claims 1 and 2 of the '231 patent;
  - (b) to affirm with modifications the ALJ's determination that claims 1 and 2 of the '231 patent are not invalid due to anticipation or obviousness;
  - (2) With respect to the '089 patent:
    - (a) to affirm the ALJ's construction of the term "electrically coupled";
    - (b) to affirm with modifications the ALJ's construction of the term "volume;"
    - (c) to affirm with modifications the ALJ's finding that MemsTech accused products infringe the asserted claims of the '089 patent;
    - (d) to affirm the ALJ's determination that Knowles SiSonic products practice claim 1 of the '089 patent;
    - (e) to affirm with modifications the ALJ's determination that the asserted claims of the '089 patent are not invalid due to anticipation or obviousness;
    - (f) to affirm the ALJ's determination that evidence shows that the commercial success of the SiSonic products is attributable to the '089 patent.

(3) to affirm the ALJ on any other findings under review except insofar as they are inconsistent with the opinion of the Commission.

The Commission determined that the appropriate form of relief in this investigation is a limited exclusion order prohibiting the unlicensed entry of silicon microphone packages and products containing same that infringe claims 1 and 2 of U.S. Patent No. 6,781,231 and claims 1, 2, 9, 10, 15, 17, 20, 28, and 29 of U.S. Patent No. 7,242,089, and that are manufactured abroad by or on behalf of, or imported by or on behalf of, MemsTech.

The Commission further determined that the public interest factors enumerated in section 337(d)(1) (19 U.S.C. 1337(d)(1)) do not preclude issuance of the limited exclusion order. Finally, the Commission determined that there should be no bond during the period of Presidential review. The Commission's order was delivered to the President and the United States Trade Representative on the day of its issuance.

The Commission has therefore terminated this investigation. 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 sections 210.41-42, 210.50 of the Commission's

Rules of Practice and Procedure (19 CFR 210.41-42, 210.50).

By order of the Commission.  
Issued: June 12, 2009.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E9-14204 Filed 6-16-09; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-678]

### In the Matter of Certain Energy Drink Products; 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 15, 2009, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Red Bull GmbH of Austria and Red Bull North America, Inc. of Santa Monica, California. The complainants filed a letter supplementing the complaint on June 1, 2009. The complaint 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 energy drink products that infringe U.S. Trademark Registration Nos. 3,092,197; 2,946,045; 2,994,429; and 3,479,607 and U.S. Copyright Registration No. VA0001410959. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a general exclusion order and cease and desist orders.

**ADDRESSES:** The complaint and supplement, except for any confidential information contained therein, are 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 (2009).

**Scope of Investigation:** Having considered the complaint, the U.S. International Trade Commission, on June 11, 2009, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine:

(a) 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 energy drink products by reason of infringement of U.S. Copyright Registration No. VA0001410959, and whether an industry in the United States exists as required by subsection (a)(2) of section 337; and

(b) whether there is a violation of subsection (a)(1)(C) 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 energy drink products by reason of infringement of U.S. Trademark Registration Nos. 3,092,197; 2,946,045; 2,994,429; or 3,479,607, and whether an industry in the United States exists as required by subsection (a)(2) of section 337; and

(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 complainants are—  
Red Bull GmbH, Am Brunnen 1, Fuschl am See, 5330 Austria;  
Red Bull North America, Inc., 1740 Stewart Street, Santa Monica, CA 90404.

(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:  
Chicago Import Inc., 3801-11 West Laurence Avenue, Chicago, IL 60625;

Lamont Dist., Inc., a/k/a Lamont Distributors Inc. 5 Lamont Court Suite 3Am, Brooklyn, NY 11225;

India Imports, Inc., a/k/a International Wholesale Club, 2901 Richland Avenue, Metairie, LA 70002;

Washington Food and Supply of D.C., Inc., a/k/a Washington Cash & Carry, 1270 4th Street NE., Washington, DC 20002;

Vending Plus, Inc., 2409 Peppermill Drive, Unit J, Glen Burnie, MD 21061;

Baltimore Beverage Co., 2409 Peppermill Drive., Unit J, Glen Burnie, MD 21061.

(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, Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate 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 right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: June 12, 2009.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E9-14205 Filed 6-16-09; 8:45 am]

**BILLING CODE 7020-02-P**