

and Carsem, Inc. (collectively, "Carsem") as respondents.

On November 18, 2004, the ALJ issued a final initial determination ("Final ID") finding no violation of section 337, as well as a recommended determination on remedy and bond. After reviewing the Final ID in its entirety, the Commission on March 31, 2005, modified the ALJ's claim construction and remanded the investigation to the ALJ with instructions "to conduct further proceedings and make any new findings or changes to his original findings that are necessitated by the Commission's new claim construction." Commission Order ¶ 8 (March 31, 2005). On November 9, 2005, the ALJ issued a remand initial determination ("Remand ID"), in which he found a violation of section 337 with regard to six claims of one asserted patent, but found no violation in connection with the claims of the two other asserted patents.

Completion of this investigation has been delayed because of difficulty in obtaining from third-party ASAT, Inc. ("ASAT") certain documents that Carsem asserted were critical for its affirmative defenses. The Commission's efforts to enforce a February 11, 2004, subpoena *duces tecum* and *ad testificandum* directed to ASAT resulted in a July 1, 2008, order and opinion of the U.S. District Court for the District of Columbia granting the Commission's second enforcement petition.

On July 1, 2009, after ASAT had complied with the subpoena, the Commission issued a notice and order remanding this investigation to the ALJ to consider the ASAT documents and extending the target date for completion of this investigation. On September 10–11, 2009, a hearing was held to address Carsem's invalidity defenses based on the ASAT documents. On October 30, 2009, the ALJ issued a supplemental ID ("First Supplemental ID") reaffirming his finding of a violation of section 337.

On December 16, 2009, the Commission issued a notice of its decision to review the First Supplemental ID. On February 18, 2010, the Commission issued a Notice and Order reversing the ALJ's finding that ASAT's invention is not prior art to Amkor's asserted patents, and remanding the investigation to the ALJ to make necessary findings in light of the Commission's determination. In order to allow sufficient time to complete the investigation, the Commission extended the target date for completion of the investigation to July 20, 2010, and directed the ALJ to issue his findings by March 22, 2010.

On February 24, 2010, Amkor filed a petition for clarification (and in the alternative reconsideration) of the Commission's February 18, 2010, Notice and Order. On March 3, 2010, and March 8, 2010, respectively, the IA and Carsem filed responses opposing Amkor's request. On March 9, 2010, Amkor filed a motion to strike Carsem's opposition to Amkor's petition for clarification, alleging it was untimely. On March 11, 2010, Carsem opposed Amkor's motion to strike.

On March 22, 2010, the ALJ issued a Supplemental ID ("Second Supplemental ID") in which he found that the '277 and '728 patents were invalid in view of ASAT prior art and determined that there was no violation of Section 337 in the present investigation.

Amkor and Carsem filed their initial comments seeking review of various portions of the Second Supplemental ID. Carsem's request for review is conditioned on the Commission's decision to review the Second Supplemental ID. All the parties also filed their timely response comments.

The Commission has examined the record in this investigation, including the ALJ's Remand ID and Second Supplemental ID. The Remand ID found that a violation of Section 337 had occurred with respect to certain claims of the '277 patent, but not with respect to the '728 or '356 patents. Remand ID at 111–113. More specifically, the Remand ID found that: (1) Carsem infringed the asserted claims of the '277 patent, Amkor practiced claim 21 of the '277 patent, and claims 2, 3, 4, 21, 22, and 23 of the '277 patent had not been shown to be invalid; (2) Carsem infringed claims 1, 2, and 7 of the '728 patent but did not infringe claims 3, 4, and 8 of the same patent, Amkor practiced claim 1 of the '728 patent, and all of the asserted claims of the '728 patent had been shown to be invalid; and (3) Carsem did not infringe the asserted claims of the '356 patent, Amkor did not practice claim 13 of the '356 patent, and none of the asserted claims of the '356 patent had been shown to be invalid. *Id.*

The ALJ's Second Supplemental ID found that: (1) Claims 21–23 of the '277 patent are invalid as anticipated by the ASAT invention; (2) claims 1–4, 7, 17, 18, and 20 of the '277 patent, as well as claims 1–4, 7, and 8 of the '728 patent, are invalid as obvious in view of various combinations of the prior art references involving the ASAT invention; and (3) the asserted claims of the '356 patent are not invalid in view of the ASAT invention. Second Supplemental ID at 37. As a result of these findings, the

Second Supplemental ID "modif[ied] the Initial Determination in the 2005 Remand ID to find no violation of Section 337 of the Tariff Act of 1930, as amended, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain encapsulated integrated circuit devices and products contains same in connection with claims 1–4, 7, 17, 18, 20, 21–23 of the U.S. Patent No. 6,433,277, claims 1–4, 7, and 8 of U.S. Patent No. 6,630,728 and claims 1, 2, 13 and 14 of U.S. Patent No. 6,455,356." Second Supplemental ID at 38.

The Commission has examined the parties' respective comments and responses thereto, and has determined not to review the findings made in the Remand ID and in the Second Supplemental ID. As a result, the Commission has determined that there is no violation of section 337 in this investigation. The Commission has also denied Amkor's request for clarification and motion to strike. The Commission has terminated the investigation, and an opinion supporting the Commission's determination will be issued.

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).

Issued: July 20, 2010.

By order of the Commission.

**William R. Bishop,**

*Acting Secretary to the Commission.*

[FR Doc. 2010–18162 Filed 7–23–10; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Federal Water Pollution Control Act ("Clean Water Act")

Notice is hereby given that on July 21, 2010, a proposed Consent Decree in *United States of America v. Fafard Real Estate and Development Corp., FRE Building Co. Inc., and Benchmark Engineering Corp.*, Civil Action No. 10–40131 was lodged with the United States District Court for the District of Massachusetts.

In this action, the United States alleged that Defendants violated Sections 301 and 308 of the Clean Water Act, 33 U.S.C. 1311 and 1318, at thirteen of its facilities in Massachusetts by discharging pollutants in storm water associated with construction activity without a permit, failing to timely

submit information required to obtain coverage under the applicable storm water permit, and failing to comply with the requirements of the storm water permit. The Consent Decree requires Defendants to pay a civil penalty of \$150,000, perform a Supplemental Environmental Project, and implement injunctive relief designed to ensure compliance with the Clean Water Act at all its facilities. The Supplemental Environmental Project requires the Defendants to impose a permanent restriction on a parcel of land and offer it as a donation to the Town of Uxbridge, Massachusetts, as well as construct two water quality basins and associated storm water management infrastructure on the Project site. The injunctive relief requires the Defendants to establish the position of storm water manager within the company who will be responsible for storm water compliance; conduct pre-construction inspections and quarterly oversight inspections and reviews using EPA-approved forms at all sites, in addition to required routine inspections; and implement storm water training programs for storm water managers and storm water orientation programs for storm water consultants and contractors.

The Department of Justice will receive comments relating to the Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Deputy Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division, and either e-mailed to [pubcommentees.enrd@usdoj.gov](mailto:pubcommentees.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. Fafard Real Estate and Development Corp., FRE Building Co. Inc., and Benchmark Engineering Corp.*, D.J. Ref. 90-5-1-1-08714.

The Consent Decree may be examined at the Office of the United States Attorney, One Courthouse Way, John Joseph Moakley Courthouse, Boston, MA 02210, and at U.S. EPA Region 1, 5 Post Office Square, Boston, MA 02109. During the public comment period, the Consent Decree, may also be examined on the following Department of Justice Web site, [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 \$19.50 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by email or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**Maureen Katz,**

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

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**BILLING CODE 4410-15-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-72,933]

**Hewlett Packard; Hewlett Packard—Enterprise Business Services Formerly Known as Electronic Data Systems, Including On-Site Leased Workers From Sun Microsystems, Inc., Dell Computer Corp., EMC Corp., EMC Corp. Total, Cisco Systems Capital Corporation, Microsoft Corp., Symantec Corp., Xerox Corp., VMware, Inc., Sun Microsystems Federal, Inc., and ABM Business Machines, Inc., Pontiac, MI; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974, as amended (“Act”), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 25, 2010, applicable to workers of Hewlett Packard, Hewlett Packard—Enterprise Business Services, formerly known as Electronic Data Systems, including on-site leased workers from the above listed firms, Pontiac, Michigan. The petition is dated October 24, 2009. The Department’s Notice of determination was published in the **Federal Register** on March 5, 2010 (75 FR 10322).

The worker group covered by TA-W-72,933 is identical to the worker group covered by an earlier petition (TA-W-71,468; dated June 25, 2009). While it is the Department’s practice to terminate the later petition in order to provide the longest period during which a member of the worker group may apply for Trade Adjustment Assistance (TAA), the Department had delayed the investigation for TA-W-71,468 due to a technical deficiency and continued the investigation for TA-W-72,933. Following the issuance of the certification in TA-W-72,933, the Department issued a Notice of

Termination of Investigation for TA-W-71,468.

An unintended result of the Department’s decision is that a portion of workers covered by TA-W-71,468 (workers separated on/after June 25, 2008) are excluded from the certification of TA-W-72,933 (workers separated on/after October 30, 2008, through January 25, 2012).

Accordingly, the Department is amending this certification to include workers covered by TA-W-71,468.

The intent of the Department’s certification is to include all workers of the subject firm who were adversely affected by the subject firm’s acquisition from a foreign country services like or directly competitive with the services supplied by the workers at the Pontiac, Michigan, facility.

The amended notice applicable to TA-W-72,933 is hereby issued as follows:

All workers of Hewlett Packard, Hewlett Packard Enterprise Services, formerly known as Electronic Data Systems, including on-site leased workers from Sun Microsystems, Inc., Dell Computers Corp., EMC Corp., EMC Corp. Total, Cisco Systems Capital Corp., Microsoft Corp., Symantec Corp., Xerox Corp., VMWare, Inc., Sun Microsystems Federal, Inc., and ABM Business Machines, Inc., Pontiac, Michigan, who became totally or partially separated from employment on or after June 25, 2008, through January 25, 2012, and all workers in the group threatened with total or partial separation from employment on date of certification through January 25, 2012, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 13th day of July 2010.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 2010-18190 Filed 7-23-10; 8:45 am]

**BILLING CODE 4510-FN-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-72,496]

**Experian, Global Technology Services, a Subsidiary of Experian, Including a Leased Employee From Tapfin Working Off-Site in New York, and On-Site Leased Workers From Tapfin, Schaumburg, IL; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, as amended (“Act”), 19 U.S.C. 2273, the Department of Labor