

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 October 26, 2009, based on a complaint filed by Ricoh Company, Ltd. of Tokyo, Japan; Ricoh Americas Corporation of West Caldwell, New Jersey; and Ricoh Electronics, Inc. of Tustin, California (collectively "Rico"). 74 FR 55065 (Oct. 26, 2009). The complaint alleged, *inter alia*, violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain printing and imaging devices and components thereof by reason of infringement of U.S. Patent Nos. 6,209,048 ("the '048 patent"); 6,212,343 ("the '343 patent"); 6,388,771 ("the '771 patent"); 5,764,866 ("the '866 patent"); and 5,863,690 ("the '690 patent"). The complaint named Oki Data Corporation of Tokyo, Japan and Oki Data Americas, Inc. of Mount Laurel, New Jersey (collectively "Oki") as respondents.

On September 23, 2010, the presiding administrative law judge ("ALJ") issued his final initial determination ("ID") finding that Oki violated section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain printing and imaging devices and components thereof by reason of infringement of several claims in the '690 patent. The ALJ found that Oki has not violated section 337 with respect to the '048, '343, '771, and '866 patents.

On November 22, 2010, the Commission determined to review the ALJ's ID in part as to the '343 and '690 patents. The Commission asked for, and received, briefing on the issues under review as well as on remedy, the public interest, and bonding.

Having examined the record of this investigation, including the ALJ's final ID and all the written submissions, the Commission has determined to affirm the ALJ's finding that no section 337 violation occurred with respect to the '343 patent, but reverse his finding that a violation occurred with respect to the '690 patent. As to both the '343 and '690 patents, the Commission has determined to reverse the ALJ's finding that Ricoh satisfied the economic prong of the domestic industry requirement of

section 337(a)(3), 19 U.S.C. 1337(a)(3). As to the '343 patent, the Commission has determined to modify the ALJ's construction of "a lower edge" and affirm, on modified grounds, his findings that (1) Oki does not infringe the asserted claims of the '343 patent and (2) Ricoh does not meet the technical prong of the domestic industry requirement. As to the '690 patent, the Commission has determined to reverse the ALJ's finding that claims 1, 5, 9, and 13 of the '690 patent are not anticipated by the prior art. The Commission has determined to deny the outstanding request for oral argument, filed on December 23, 2010, as moot. The investigation is terminated.

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 sections 210.42-50 of the Commission's Rules of Practice and Procedure (19 CFR 210.42-50).

By order of the Commission.

Issued: January 25, 2011.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 2011-1981 Filed 1-28-11; 8:45 am]

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## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on January 25, 2011, a proposed Consent Decree in *The United States of America and the Coeur d'Alene Tribe v. Lookout Mountain Mining and Milling Company and Silver Bowl, Inc.*, Civ. No. 11-0029, was lodged with the United States District Court for the District of Idaho.

Plaintiffs the United States and the Tribe filed a complaint concurrently with the Consent Decree alleging that Defendants Lookout Mountain Mining and Milling Company and Silver Bowl, Inc. are liable pursuant to Section 107(a) of CERCLA for response costs incurred and to be incurred by the United States and for natural resources damages in connection with releases of hazardous substances at or from Operable Unit 3 of the Bunker Hill Mining and Metallurgical Complex Superfund Site (Bunker Hill Site) in northern Idaho. The proposed Consent Decree grants the Defendants a covenant not to sue for response costs, as well as natural resource damages, in connection with the Bunker Hill Site. The Coeur d'Alene

Tribe is a co-trustee of injured natural resources at the Bunker Hill Site and a party to the proposed Consent Decree. The settlement is based on a determination that Defendants have no ability to pay. The settlement requires, among other things, that Defendants assign their interest in insurance policies to a trust, established for the benefit of EPA and the natural resource trustees, and pay two percent of net smelter returns generated from any future mining activities.

For thirty (30) days after the date of this publication, the Department of Justice will receive 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. In either case, the comments should refer to *U.S., et al. v. Lookout Mountain Mining and Milling Company and Silver Bowl, Inc.*, Civ. No. 11-0029 and D.J. Ref. No. 90-11-3-128/11.

During the comment period, the Consent Decree may 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 \$18.75 (25 cents per page reproduction cost) payable to the United States Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**Maureen Katz,**

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

[FR Doc. 2011-1979 Filed 1-28-11; 8:45 am]

**BILLING CODE 4410-15-P**