

found that the accused products do not infringe asserted claims 6, 8, and 17, of the '712 patent. With respect to invalidity, the ALJ found that the asserted claims of the '896, '094, '571, '712 patents and claim 2 of the '596 patent were not invalid. However, he found asserted claim 1 of the '596 patent invalid for anticipation. He also found that Microsoft failed to prevail on any of its equitable defenses and that Microsoft failed to establish that Motorola's alleged obligation to provide a license on reasonable and nondiscriminatory terms ("RAND") precluded a finding of violation of section 337. The ALJ finally concluded that an industry exists within the United States that practices the '896, '094, '571, '596 and '712 patents as required by 19 U.S.C. 337(a)(2).

On May 7, 2012, Microsoft filed a petition for review of the ID. That same day, Motorola filed a petition and contingent petition for review. On May 15, 2012, the parties filed responses to the various petitions and contingent petition for review.

On June 8, 2012, Microsoft filed a post-RD statement on the public interest pursuant to Commission Rule 201.50(a)(4). Several non-parties also filed public interest statements in response to the post-RD Commission Notice issued on May 15, 2012. *See* 77 FR 28621–22 (May 15, 2012).

On June 22, 2012, Microsoft filed a motion for partial termination of the investigation. Specifically, Microsoft moved for termination of the '094 and '596 patents from the investigation based on facts alleged in the motion.

Having examined the record of this investigation, including the ALJ's final ID, the petitions for review, and the responses thereto, the Commission has determined to review the final ID in its entirety. Specifically, the Commission remands for the ALJ to (1) apply the Commission's opinion in *Certain Electronic Devices With Image Processing Systems, Components Thereof, and Associated Software*, Inv. No. 337-TA-724, Comm'n Op. (Dec. 21, 2011); (2) rule on Microsoft's motion for partial termination of the investigation filed June 22, 2012; and (3) set a new target date for completion of the 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 in sections 210.42–46 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–46).

By order of the Commission.

Issued: June 29, 2012.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2012–16482 Filed 7–5–12; 8:45 am]

**BILLING CODE 7020–02–P**

## **INTERNATIONAL TRADE COMMISSION**

**[Investigation No. 337–TA–710]**

### **Certain Personal Data and Mobile Communications Devices and Related Software; Institution of a Formal Enforcement Proceeding; Denial of Request for Temporary Emergency Action**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has instituted a formal enforcement proceeding related to the December 19, 2011, limited exclusion order issued in the above-captioned investigation, and has denied the complainant's request for temporary emergency action.

**FOR FURTHER INFORMATION CONTACT:** Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2532. 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 the underlying investigation on April 6, 2010, based on a complaint filed by Apple Inc., and its subsidiary NeXT Software, Inc., both of Cupertino, California (collectively, "Apple"), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain personal data and mobile communications devices and related

software. 75 FR 17434 (Apr. 6, 2010). The complaint named as proposed respondents High Tech Computer Corp. of Taiwan ("HTC") and its United States subsidiaries HTC America Inc. of Bellevue, Washington ("HTC America"), and Exedea, Inc. of Houston, Texas ("Exedea"). The complaint alleged the infringement of numerous patents, including certain claims in U.S. Patent No. 5,946,647 ("the '647 patent").

On December 19, 2011, the Commission found a violation of section 337 as to claims 1 and 3 of the '647 patent, and no violation of section 337 as to any other asserted claims. 76 FR 80402 (Dec. 23, 2011). An opinion accompanied the notice. The Commission issued a limited exclusion order, the enforcement of which the Commission determined would not commence until April 19, 2012, in order to provide time for wireless carriers to transition to different products.

On June 4, 2012, Apple filed a complaint requesting that the Commission institute a formal enforcement proceeding under Commission Rule 210.75 to investigate a violation of the limited exclusion order, and seeking temporary emergency action under Commission Rule 210.77. The complaint names as proposed respondents HTC and HTC America. On June 15, 2012, HTC and HTC America submitted a letter to the Commission opposing Apple's request for temporary emergency action, and seeking to narrow the scope of any enforcement action instituted based in part on Apple's waiver of certain arguments in the underlying investigation. On June 18, 2012, third-party T-Mobile USA, Inc. ("T-Mobile") filed a letter with the Commission arguing that any further Commission action should be accompanied by a new four-month transition period. Apple and HTC filed additional letters with the Commission on June 21 and 22, 2012, respectively.

Having examined the complaint seeking a formal enforcement proceeding, and having found that the complaint complies with the requirements for institution of a formal enforcement proceeding as set forth in Commission Rule 210.75, the Commission has determined to institute formal enforcement proceedings to determine whether HTC and HTC America are in violation of the December 19, 2011, limited exclusion order. The following entities are named as parties to the formal enforcement proceeding: (1) Apple; (2) respondents HTC and HTC America; and (3) the Office of Unfair Import Investigations.

As set forth more fully in the accompanying Order, the Commission

has determined not to take temporary emergency action under Commission Rule 210.77.

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 210.75 and 210.77 of the Commission's Rules of Practice and Procedure (19 CFR 210.75 and 210.77).

Issued: July 2, 2012.

By order of the Commission.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2012-16574 Filed 7-5-12; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-827]

### Certain Portable Communication Devices; Determination Not To Review Initial Determinations Terminating the Investigation as to All Respondents; 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 not to review initial determinations ("IDs") (Order Nos. 14 and 15) granting joint motions to terminate the above-captioned investigation with respect to all respondents on the basis of settlement agreements. The investigation is terminated.

**FOR FURTHER INFORMATION CONTACT:** Jia Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-4737. 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 (<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 19, 2012, based on a complaint filed on behalf of Digitude Innovations LLC of Alexandria, Virginia ("Digitude") on December 2, 2011 and amended on December 16, 2011. 77 FR 2758 (January 19, 2012). The complaint alleges violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of one or more of claims 7-13 and 15 of U.S. Patent No. 5,926,636; claims 1-9 and 17-25 of U.S. Patent No. 5,929,655; claims 1-8 and 14-20 of U.S. Patent No. 6,208,879; and claims 1-5 of U.S. Patent No. 6,456,841. The notice of investigation named the following respondents: Research In Motion Ltd. of Ontario, Canada, Research In Motion Corp. of Irving, Texas (collectively "RIM"); HTC Corporation of Taoyuan, Taiwan; HTC America, Inc. of Bellevue, Washington (collectively "HTC"); LG Electronics, Inc. of Seoul, South Korea, LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey, LG Electronics MobileComm U.S.A., Inc. of San Diego, California (collectively "LG"); Motorola Mobility, Inc. of Libertyville, Illinois ("Motorola"); Samsung Electronics Co., Ltd of Seoul, South Korea, Samsung Electronics America, Inc. of Ridgefield Park, New Jersey, Samsung Telecommunications America, LLC of Richardson, Texas (collectively "Samsung"); Sony Corporation of Tokyo, Japan, Sony Corporation of America of New York, New York, Sony Electronics, Inc. of San Diego, California, Sony Ericsson Mobile Communications AB of Lund, Sweden, Sony Ericsson Mobile Communications (USA) Inc. of Research Triangle Park, North Carolina (collectively "Sony"); Amazon.com, Inc. of Seattle, Washington ("Amazon"); Nokia Corporation of Espoo, Finland, Nokia Inc. of Irving, Texas (collectively "Nokia"); Pantech Co., Ltd. of Seoul, South Korea, and Pantech Wireless, Inc. of Atlanta, Georgia (collectively "Pantech").

On May 8, 2012, Digitude and respondents RIM, LG, Motorola, Samsung, Sony, Amazon, and Pantech filed a joint motion under Commission Rule 210.21(a)(2) to terminate the investigation on the basis of a settlement agreement that resolves their litigation. On May 11, 2012, Digitude and the remaining respondents HTC and Nokia also filed a joint motion under Commission Rule 210.21(a)(2) to terminate the investigation on the basis of a settlement agreement that resolves their litigation. Public and confidential versions of the agreements were

attached to the motions. The motions stated that there are no other agreements, written or oral, express or implied, between the parties concerning the subject matter of this investigation. The Commission investigative attorney supported both motions. On May 31, 2012, the ALJ issued Order No. 14 granting the joint motion filed on May 8, 2012. On the same day, the ALJ issued Order No. 15 granting the joint motion filed on May 11, 2012. No petitions for review were filed.

The Commission has determined not to review the subject IDs. The investigation is terminated.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: June 29, 2012.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2012-16485 Filed 7-5-12; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Modification of Consent Decree Under the Clean Water Act

Notice is hereby given that on June 29, 2012, a proposed Modification of Consent Decree ("Modification") in *United States of America v. Puerto Rico Aqueduct and Sewer Authority, and The Commonwealth of Puerto Rico*, Civil Action No. 3:10-1365 (SEC) was lodged with the United States Court for the District of Puerto Rico. The Consent Decree requires the Puerto Rico Aqueduct and Sewer Authority ("PRASA") to, among other things, implement injunctive relief measures at 126 water treatment plants (WTPs) over a 15 year period throughout the Commonwealth of Puerto Rico. The injunctive relief measures are to be implemented in three phases which include short-term and mid-term remedial actions; as well as longer term capital improvement projects. The details of the injunctive relief measures were originally described in Paragraph 8 of the Consent Decree, and Appendices C-E attached to the Consent Decree. To date, PRASA has completed all of the short-term remedial measures required under the Consent Decree. The Consent Decree also required PRASA to comply with interim limits at certain WTPs, and the particular interim limits were set