

agreement includes, but is not limited to, acts and omissions of the patentee and their employees, agents, contractors, lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in (1) Violations of Federal, State, and local laws and regulations that are now, or may in the future become, applicable to the real property; (2) Judgments, claims or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) Other releases or threatened releases of solid or hazardous waste(s) and/or hazardous substance(s), as defined by Federal or State environmental laws of, on, into or under land, property and other interests of the United States; (5) Other activities by which solid waste or hazardous substance(s) or waste, as defined by Federal and State environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action or other actions related in any manner to said solid or hazardous substance(s) or waste(s); or (6) Natural resource damages as defined by Federal and State law. This covenant shall be construed as running with the parcel of land patented or otherwise conveyed by the United States and may be enforced by the United States in a court of competent jurisdiction.

Conveyance of this land to the City of Truth Consequences is consistent with applicable Federal and county land use plans, and BLM policy.

On December 23, 2013, the land described above will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the R&PP Act, leasing under the mineral leasing laws, and disposals under the mineral material disposal laws.

*Classification Comments:* Interested parties may submit comments involving the suitability of the land for a conveyance of a landfill. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

*Application Comments:* Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper

administrative procedures in reaching the decision to convey under the R&PP Act, or any other factor not directly related to the suitability of the land for use as an existing landfill.

The public may submit comments in writing directly to the BLM using one of the methods listed in the **ADDRESSES** section above. Comments should be submitted on or before February 6, 2014.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Any adverse comments will be reviewed by the BLM New Mexico State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, the classification of the land described in this notice will become effective on February 21, 2014. The land will not be available for conveyance until after the classification becomes effective.

**Authority:** 43 CFR part 2740.

**Bill Childress,**

*District Manager, Las Cruces.*

[FR Doc. 2013-30485 Filed 12-20-13; 8:45 am]

**BILLING CODE 4310-FB-P**

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**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 332-543]

**Trade, Investment, and Industrial Policies in India: Effects on the U.S. Economy Submission of Questionnaire for OMB Review**

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

**ACTION:** Notice of submission of request for approval of a questionnaire to the Office of Management and Budget. This notice is being given pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

*Purpose of Information Collection:* The information requested by the questionnaire is for use by the Commission in connection with investigation No. 332-543, *Trade, Investment, and Industrial Policies in India: Effects on the U.S. Economy*. The investigation was instituted under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) at the request of the House Committee on Ways and Means

and the Senate Committee on Finance (the Committees). The Commission expects to deliver its report to the Committees by December 15, 2014.

**Summary of Proposal**

(1) *Number of forms submitted:* 1.  
 (2) *Title of form:* Trade, Investment, and Industrial Policies in India Questionnaire.

(3) *Type of request:* New.

(4) *Frequency of use:* Industry questionnaire, single data gathering, scheduled for 2014.

(5) *Description of respondents:* Companies in the United States in industries particularly affected by Indian trade, investment, or industrial policies.

(6) *Estimated number of questionnaires to be mailed:* 9,000.

(7) *Estimated total number of hours to complete the questionnaire per respondent:* 12 hours.

(8) Information obtained from the questionnaire that qualifies as confidential business information will be so treated by the Commission and not disclosed in a manner that would reveal the individual operations of a firm.

*Additional Information or Comment:* Copies of the questionnaire and supporting documents may be obtained from project leader William Powers ([william.powers@usitc.gov](mailto:william.powers@usitc.gov) or 202-708-5405) or deputy project leader Renee Berry ([renee.berry@usitc.gov](mailto:renee.berry@usitc.gov) or 202-205-3498). Comments about the proposal should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Room 10102 (Docket Library), Washington, DC 20503, ATTENTION: Docket Librarian. All comments should be specific, indicating which part of the questionnaire is objectionable, describing the concern in detail, and including specific suggested revision or language changes. Copies of any comments should be provided to Andrew Martin, Chief Information Officer, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, who is the Commission's designated Senior Official under the Paperwork Reduction Act.

General information concerning the Commission may also be obtained by accessing its Internet address (<http://www.usitc.gov>). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Secretary at 202-205-2000.

Issued: December 17, 2013.

By order of the Commission.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2013-30494 Filed 12-20-13; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-850]

### Certain Electronic Imaging Devices; Notice of Commission Determination To Review-in-Part a Final Determination

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review in-part the final initial determination (“ID”) issued by the presiding administrative law judge (“ALJ”) on September 30, 2013, finding a violation of Section 337 of the Tariff Act of 1930, 19 U.S.C. 1337 (“Section 337”).

**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) 708-4737. 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 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 June 29, 2012, based on a complaint filed by Flashpoint Technology, Inc. (“Flashpoint”) of Peterborough, New Hampshire alleging 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 electronic imaging devices by reason of infringement of certain claims of U.S. Patent Nos. 6,504,575 (“the ‘575 patent”), 6,222,538 (“the ‘538 patent”),

6,400,471 (“the ‘471 patent”), and 6,223,190 (“the ‘190 patent”). The notice of investigation named the following respondents: HTC Corporation of Taoyuan, Taiwan and HTC America, Inc. of Bellevue, Washington (collectively, “HTC”); Pantech Co., Ltd. of Seoul, Republic of Korea and Pantech Wireless, Inc. of Atlanta, Georgia (collectively, “Pantech”); Huawei Technologies Co., Ltd. of Shenzhen, China; FutureWei Technologies, Inc. d/b/a Huawei Technologies (USA) of Plano, Texas (collectively “Huawei”); ZTE Corporation of Shenzhen, China; and ZTE (USA) Inc. of Richardson, Texas (collectively “ZTE”). The ‘575 patent and respondent Pantech have been terminated from the investigation. The Commission Office of Unfair Import Investigations did not participate in this investigation.

On September 30, 2013, the ALJ issued a final ID finding a violation of Section 337 by HTC. Specifically, the ALJ concluded that two of the accused HTC smartphones, *i.e.*, the HTC Vivid and HTC Droid Incredible 4G LTE, infringe the asserted claims of the ‘538 patent. The ALJ found, however, that none of the other accused HTC smartphones infringe the ‘538 patent and that none of the accused HTC, Huawei, or ZTE smartphones infringe the asserted claims of the ‘471 patent or the ‘190 patent. The ALJ found that the smartphones of Flashpoint’s licensees [REDACTED] meet the technical prong of the domestic industry requirement with respect to the ‘538 patent, but that none of the licensed [REDACTED] smartphones meet the technical prong of the domestic industry requirement with respect to either the ‘471 or ‘190 patents. The ALJ found that Flashpoint established the economic prong of the domestic industry requirement under Sections 337(a)(3)(A), (B), and (C) with respect to all of the asserted patents. The ALJ also found that HTC has not established that the asserted patents are invalid in view of the prior art or the on-sale bar. The ALJ further found that the ‘190 and ‘538 patents are not unenforceable for failure to name an inventor.

On October 31, 2013, Flashpoint filed a petition for review, challenging the ALJ’s determination with respect to: (1) The representativeness of the accused products for the ‘538 patent, (2) claim construction for the ‘471 patent, (3) non-infringement of the ‘471 patent, (4) non-infringement of the ‘190 patent, (5) technical prong for the ‘471 patent, and (6) technical prong for the ‘190 patent.

On the same day, respondents HTC, Huawei, and ZTE filed a joint petition

for review, challenging the ALJ’s determination with respect to: (1) Non-infringement of the ‘190 patent, (2) validity of the ‘190 patent for anticipation and obviousness, (3) validity of the ‘471 patent for anticipation and obviousness (4) technical prong for the ‘190 patent, and (5) economic prong with respect to all asserted patents. HTC filed a separate petition for review with respect to issues affecting only HTC, challenging the ALJ’s determination with respect to (1) claim construction for the ‘538 patent, (2) infringement of the ‘538 patent, (3) validity of the ‘538 patent for anticipation and obviousness, (4) non-infringement of the ‘471 patent; (5) validity of the asserted patents with respect to the on-sale bar, and (6) enforceability of the asserted patents.

The Commission has determined to review the ALJ’s findings regarding the following issues: (1) Infringement of the asserted claims of the ‘538 patent by the HTC Vivid and HTC Droid Incredible 4G LTE smartphones; (2) the technical prong of the domestic industry requirement for the ‘538 patent; (3) obviousness of the asserted claims of the ‘538 patent over U.S. Patent No. 5,835,772 to Thurlo (“Thurlo”), U.S. Patent No. 5,740,801 to Branson (“Branson”), the “Admitted Prior Art” (“APA”), U.S. Patent No. 5,638,501 to Gough *et al.* (“Gough”), and U.S. Patent No. 5,898,434 to Small (“Small”); (4) claim construction of the term “operating system” in the asserted claims of the ‘471 patent; (5) infringement of the ‘471 patent by the accused HTC, Huawei, and ZTE products; (6) the technical prong of the domestic industry requirement for the ‘471 patent; (7) anticipation of the asserted claims of the ‘471 patent in view of U.S. Patent No. 5,687,376 to Celi, Jr. *et al.*; (8) infringement of the asserted claim of the ‘190 patent; (9) technical prong of the domestic industry requirement for the ‘190 patent; (10) anticipation and obviousness of the ‘190 patent in view of U.S. Provisional Patent Application 60/037,963 to Parulski; (11) anticipation and obviousness of the ‘190 patent in view of the Zaurus; (12) anticipation and obviousness of the ‘190 patent in view of the Japanese Laid-Open Patent Application No. H09-298678 to Kazu Saito; (13) validity of the ‘538, ‘471, and ‘190 patents in view of the on-sale bar; (14) enforceability of claim 19 of the ‘538 patent with respect to joint inventorship; and (15) the economic prong of the domestic industry requirement with respect to the ‘538, ‘471, and ‘190 patents. The