

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 United States International Trade Commission (USITC) at USITC<sup>2</sup>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at EDIS<sup>3</sup>. 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 has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Silicon Laboratories, Inc. on May 6, 2014. 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 tuners and products containing same, including television tuners. The complaint name as respondents Cresta Technology Corporation of Santa Clara, CA; Hauppauge Digital, Inc. of Hauppauge, NY; Hauppauge Computer Works, Inc. of Hauppauge, NY; PCTV Systems S.a.r.l., Luxembourg of Luxembourg; and PCTV Systems S.a.r.l. of Germany. The complainant requests that the Commission issue a general exclusion order and a cease and desist order.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested

remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number ("Docket No. 3011") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures<sup>4</sup>). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS<sup>5</sup>.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: May 6, 2014.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2014-10764 Filed 5-9-14; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-750]

### Certain Mobile Devices and Related Software Thereof; Commission Decision To Remand Investigation to the Chief Administrative Law Judge Pursuant To Remand From the U.S. Court of Appeals for the Federal Circuit

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to remand the above-captioned investigation to the Chief Administrative Law Judge for assignment to an administrative law judge ("ALJ") for an initial determination on remand ("RID") concerning validity, infringement, and domestic industry following remand from the U.S. Court of Appeals for the Federal Circuit ("Federal Circuit").

**FOR FURTHER INFORMATION CONTACT:** Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-2301. 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.

<sup>2</sup> United States International Trade Commission (USITC): <http://edis.usitc.gov>.

<sup>3</sup> Electronic Document Information System (EDIS): <http://edis.usitc.gov>.

<sup>4</sup> Handbook for Electronic Filing Procedures: [http://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/handbook\\_on\\_electronic\\_filing.pdf](http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf).

<sup>5</sup> Electronic Document Information System (EDIS): <http://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on November 30, 2010, based on a complaint filed by Apple Inc., f/k/a Apple Computer, Inc., of Cupertino, California (“Apple”). 75 FR 74081–82. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 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 mobile devices and related software by reason of infringement of certain claims of U.S. Patent Nos. 7,812,828 (“the ‘828 Patent”); 7,663,607 (“the ‘607 Patent”); and 5,379,430 (“the ‘430 Patent”). The Commission’s notice of investigation named Motorola, Inc. n/k/a Motorola Solutions of Schaumburg, Illinois (“Motorola Solutions”) and Motorola Mobility, Inc. (“Motorola”) of Libertyville, Illinois as respondents. The Office of Unfair Import Investigation was named as a participating party. The Commission subsequently terminated Motorola Solutions as a respondent based on withdrawal of allegations pursuant to Commission Rule 210.21(a)(1) (19 CFR 210.21(a)(1)). Notice (Aug. 31, 2011).

On January 13, 2012, the ALJ issued his final ID, finding no violation of Section 337. Specifically, the ALJ determined that the accused products do not infringe the asserted claims of the ‘828 Patent either literally or under the doctrine of equivalents (“DOE”). The ALJ also found that the asserted claims of the ‘828 Patent are not invalid. The ALJ further found that the accused products literally infringe the asserted claims of the ‘430 and ‘607 patents, but do not infringe under DOE. The ALJ also found that the asserted claims of the ‘430 Patent are invalid under 35 U.S.C. 102 for anticipation, and that the asserted claims of the ‘607 Patent are invalid under 35 U.S.C. 102 for anticipation and under 35 U.S.C. 103 for obviousness. The ALJ further found that Apple has standing to assert the ‘430 Patent, and that Motorola is not licensed to practice the ‘430 Patent. The ALJ also found that Apple satisfied the domestic industry requirement.

On January 30, 2012, Apple filed a petition for review of certain aspects of the ID’s findings concerning claim construction infringement, and validity. Also on January 30, 2012, Motorola filed a contingent petition for review of certain aspects of the ID’s findings concerning claim construction, infringement, validity, and domestic industry. On February 7, 2012, Motorola and Apple filed responses to each other’s petitions. Also on February 7, 2012, the Commission investigative

attorney (“IA”) filed a joint response to both Apple’s and Motorola’s petitions.

On March 16, 2012, the Commission issued a notice, determining to review the ID in part, and on review, to affirm the ALJ’s determination of no violation and to terminate the investigation. 77 FR 16860–62. Specifically, the Commission determined to review, and on review to affirm, the ALJ’s finding that the asserted claims of the ‘828 patent are not infringed. The Commission did not review the ID’s construction of the limitation “mathematically fit[ting] an ellipse to at least one of the [one or more] pixel groups” in claims 1 and 10 of the ‘828 patent. The Commission also determined to review the ALJ’s finding that the asserted claims of the ‘607 patent are invalid for obviousness under 35 U.S.C. 103, and on review, to affirm with modification the ID’s finding of obviousness. The Commission did not review the ID’s finding that the asserted claims of the ‘607 patent are anticipated under 35 U.S.C. 102(e).

On April 13, 2012, Apple timely appealed the Commission’s final determination of no violation of section 337 as to the ‘607 and ‘828 patents to the Federal Circuit. Specifically, Apple appealed the ALJ’s unreviewed finding that the asserted claims of the ‘607 patent are anticipated by U.S. Patent No. 7,372,455 to Perski (“Perski ‘455”). Apple also appealed the Commission’s determination that the asserted claims of the ‘607 patent are invalid for obviousness in view of the prior art reference “SmartSkin: An Infrastructure for Freehand Manipulation on Interactive Surfaces” by Jun Rekimoto (“SmartSkin”) in combination with Japan Unexamined Patent Application Publication No. 2002–342033A to Jun Rekimoto (“Rekimoto ‘033”). Apple further appealed the ALJ’s unreviewed construction of the claim limitation “mathematically fit[ting] an ellipse to . . . pixel groups” in the asserted claims of the ‘828 patent and the Commission’s resulting determination of non-infringement.

On August 7, 2013, the Federal Circuit affirmed-in-part, reversed-in-part, and vacated-in-part the Commission’s decision and remanded for further proceedings. *Apple, Inc. v. Int’l Trade Comm’n.*, 725 F.3d 1356 (Fed. Cir. 2013). Specifically, the Court affirmed the Commission’s determination that Perski ‘455 anticipates claims 1–7 of the ‘607 patent but reversed the Commission’s determination that Perski ‘455 anticipates claim 10 of the ‘607 patent. *Id.* at 1361–63. The Court also vacated and remanded the Commission’s

determination that claim 10 of the ‘607 patent is invalid for obviousness in view of the SmartSkin reference in combination with Rekimoto ‘033, holding that the Commission failed to perform the necessary analysis of secondary considerations before finding the claim invalid for obviousness although the Court agreed with the Commission’s finding that the combined prior art references disclose all of the limitations of claim 10. *Id.* at 1364–67. The Court also reversed the Commission’s construction of the limitation “mathematically fit[ting] an ellipse” in the asserted claims of the ‘828 patent and remanded the issue of infringement for the Commission to make a determination in light of the Court’s construction of that claim limitation. *Id.* at 1367–68.

On September 6, 2013, intervenor Motorola filed a combined petition for panel rehearing and rehearing en banc concerning the panel’s holding that the Commission failed to consider secondary considerations in finding claim 10 of the ‘607 patent invalid for obviousness. On November 8, 2013, the Court denied the petition. The mandate issued on November 15, 2013, returning jurisdiction to the Commission.

On January 7, 2014, the Commission issued an Order directing the parties to submit comments regarding what further proceedings must be conducted to comply with the Federal Circuit’s remand. On January 22, 2014, Apple, Motorola, and the IA submitted initial comments. On January 29, 2014, the parties submitted response comments.

Having examined the record of this investigation, including the ALJ’s final ID, the petitions for review, the responses thereto, and the parties’ comments on remand, the Commission has determined to remand the investigation to the Chief ALJ for assignment to a presiding ALJ to determine certain outstanding issues concerning violation of section 337 set forth below.

With respect to the ‘607 patent, the Commission remands the issue of whether Perski ‘455 anticipates claim 10 of the ‘607 patent. Specifically, the ALJ should determine whether Apple can establish an earlier priority date for claim 10 of the ‘607 patent than the filing date of Perski ‘455 such that Perski ‘455 is prior art to claim 10 in light of the Commission’s prior determination that Perski ‘455 discloses all of the limitations of claim 10. The Commission further remands the issue of whether claims 10 of the ‘607 patent is invalid for obviousness in view of SmartSkin in combination with Rekimoto ‘033. Specifically, the ALJ

should determine whether Apple's evidence of secondary considerations requires a finding of nonobviousness with respect to the '607 patent in light of the Commission's determination, as affirmed by the Federal Circuit, that SmartSkin in combination with Rekimoto '033 discloses all limitations of claim 10. In deciding the issue of obviousness, the ALJ should also determine whether there is a nexus between Apple's evidence of secondary considerations and the invention recited in claim 10 of the '607 patent. The Commission also remands the issue of domestic industry to the ALJ. Specifically, the ALJ should determine whether Apple's iPhone 4 practices all of the limitations of claim 10 of the '607 patent.

With respect to the '828 patent, the Commission remands the issue of infringement. Specifically, the ALJ should determine whether Motorola's accused products infringe the asserted claims of the '828 patent under the Federal Circuit's construction of the claim limitation "mathematically fit[ting] an ellipse." The Commission further remands the issue of anticipation. Specifically, the ALJ should determine whether U.S. Patent No. 5,825,352 to Bisset anticipates claims 1 and 10 of the '828 patent under the Federal Circuit's construction of the claim limitation "mathematically fit[ting] an ellipse."

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 Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: May 6, 2014.

**Lisa R. Barton,**

Secretary to the Commission.

[FR Doc. 2014-10769 Filed 5-9-14; 8:45 am]

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## DEPARTMENT OF JUSTICE

[OMB Number 1105-0101]

### Agency Information Collection Activities; Proposed eCollection; eComments requested

**AGENCY:** Office of Tribal Justice, Department of Justice. Tribal Requests for Accelerated Exercise of Jurisdiction Under Section 204(a) of the Indian Civil Rights Act of 1968, as Amended.

**ACTION:** 30-day notice.

**SUMMARY:** The Department of Justice, Office of Tribal Justice, will be

submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 79, Number 43, pages 12527-12528, on March 5, 2014, allowing for a 60 day comment period.

**DATES:** Comments are encouraged and will be accepted for an additional 30 days until June 11, 2014.

**FOR FURTHER INFORMATION CONTACT:** If you have comments, especially on the estimated public burden or associated response time, suggestions, or need additional information, please contact Mr. Tracy Toulou, Director, Office of Tribal Justice, Department of Justice, 950 Pennsylvania Avenue NW., Room 2310, Washington, DC 20530; telephone: (202) 514-8812.

**SUPPLEMENTARY INFORMATION:** This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Request for Accelerated Authority to Exercise Special Domestic Violence Criminal Jurisdiction.

(3) *Agency form number:* Not applicable.

(4) *Affected public who will be asked or required to respond, as well as a brief*

*abstract:* Primary: Tribal governments. Other: None.

**Abstract:** The Violence Against Women Reauthorization Act of 2013 (VAWA 2013) was signed into law on March 7, 2013. Section 904 of VAWA 2013 recognizes the inherent power of "participating tribes" to exercise special domestic violence criminal jurisdiction over certain defendants, regardless of their Indian or non-Indian status, who commit acts of domestic violence or dating violence or violate certain protection orders in Indian country. Section 904 also specifies the rights that a participating tribe must provide to defendants in special domestic violence criminal jurisdiction cases. Section 908(b)(1) provides that tribes generally cannot exercise the special jurisdiction until March 7, 2015, but Section 908(b)(2) establishes a pilot project that authorizes the Attorney General, in the exercise of his discretion, to grant a tribe's request to be designated as a "participating tribe" on an accelerated basis and to commence exercising the special jurisdiction on a date (prior to March 7, 2015) set by the Attorney General, after coordinating with the Secretary of the Interior, consulting with affected tribes, and concluding that the tribe's criminal justice system has adequate safeguards in place to protect defendants' rights, consistent with Section 204 of the Indian Civil Rights Act, as amended, 25 U.S.C. 1304. The Department of Justice has published a notice seeking comments on procedures for an Indian tribe to request designation as a "participating tribe" on an accelerated basis), and for the Attorney General to act on such requests, 78 FR 35961 (June 14, 2013). Pursuant to the notice, the Attorney General has delegated to the Associate Attorney General the authority to decide whether to grant the request of a tribe to be designated as a "participating tribe" prior to March 7, 2015. The purpose of the collection is to provide information from the requesting tribe sufficient for the Associate Attorney General to make that decision.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Fewer than 40 respondents; average of 16 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 640 total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and