

'487 patent. To conserve resources, the Commission has determined to take no position on infringement and validity as it pertains to the '487 patent. Regarding the '453 patent, the Commission has determined that the prior art REMstar device anticipates the asserted claims of the '453 patent under the Commission's construction of the claim limitation "a retaining mechanism configured to secure the connecting structure to the CPAP apparatus" to mean "one or more parts for holding in place the CPAP apparatus that is configured to attach the connecting structure to the CPAP apparatus." Given that Commission's construction is broader than the ALJ's construction, the Commission has determined to affirm the ALJ's infringement and domestic industry, technical prong, findings. With respect to domestic industry the Commission has determined to vacate the ID's findings and conclusion that ResMed established a domestic industry under 19 U.S.C. 1337(a)(3)(C).

Having found a violation of section 337 in this investigation, the Commission has determined that the appropriate form of relief is: (1) A limited exclusion order prohibiting the unlicensed entry of sleep-disordered breathing treatment systems and components thereof that infringe one or more of claims 1, 9, 32, 89, and 92 of the '527 patent; claims 19, 21, 29, 32, and 36 of the '392 patent; claims 32, 33, 34, and 53 of the '267 patent; claims 30, 37, and 38 of the '060 patent; and claims 1, 3, 5, 11, 28, 30, 31, and 56 of the '883 patent that are manufactured by, or on behalf of, or are imported by or on behalf of BMC Medical Co., Ltd., 3B Medical, Inc., or 3B Products L.L.C. or any of their affiliated companies, parents, subsidiaries, agents, or other related business entities, or their successors or assigns, except for service and replacement parts for customers that purchased their covered products prior to the date the exclusion order becomes final; and (2) cease and desist orders prohibiting domestic respondents BMC Medical Co., Ltd., 3B Medical, Inc. from conducting any of the following activities in the United States: Importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for, sleep-disordered breathing treatment systems and components thereof covered by claims 1, 9, 32, 89, and 92 of the '527 patent; claims 19, 21, 29, 32, and 36 of the '392 patent; claims 32, 33, 34, and 53 of the '267 patent; claims 30, 37, and 38 of the '060 patent; and claims 1, 3, 5, 11, 28, 30, 31, and 56 of the '883

patent. The proposed cease and desist orders include the following exemptions: (1) If in a written instrument, the owner of the patents authorizes or licenses such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States; or (2) conduct limited to the provision of service and replacement parts for customers that purchased their covered products prior to the date this Order becomes final within the meaning of 19 U.S.C. 1337(j)(4).

The Commission has also determined that the public interest factors enumerated in section 337(d) and (f) (19 U.S.C. 1337(d) and (f)) do not preclude issuance of the limited exclusion order or cease and desist orders. Finally, the Commission has determined that a bond in the amount of 65 percent of entered value is required to permit temporary importation during the period of Presidential review (19 U.S.C. 1337(j)) of sleep-disordered breathing treatment systems and components thereof that are subject to the limited exclusion order. The Commission's orders and opinion were delivered to the President and to the United States Trade Representative on the day of their issuance.

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: December 23, 2014.

Jennifer Rohrbach,
Supervisory Attorney.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under Cercla

On December 22, 2014, the Department of Justice lodged a proposed consent decree between the United States and Robert G. Schory, III with the United States District Court for the Western District of North Carolina, Charlotte Division, in a case entitled *United States v. Boulos Family Properties, LLC, et al*, No. 2:14-cv-059.

The proposed consent decree resolves claims for response costs under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, ("CERCLA"), 42

U.S.C. 9607, against Robert G. Schory, III, in connection with the National Petroleum Packers Site, a former glycol reprocessing facility in Stallings, North Carolina. Under the proposed consent decree, Mr. Schory will pay \$1,500 in exchange for a covenant not to sue for the Site from the United States, conditioned on the accuracy of certain representations he made about his financial condition.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Boulos Family Properties, LLC, et al*, DJ. Ref. No. # 90-11-3-10947. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By e-mail	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ-ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ-ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$6.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry S. Friedman,

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

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