

Issued: December 21, 2016.

**William R. Bishop,**

*Supervisory Hearings and Information Officer.*

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## INTERNATIONAL TRADE COMMISSION

### Index and Description of Major Information Systems and Availability of Records

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

**ACTION:** Notice announcing availability of public information.

**SUMMARY:** The United States International Trade Commission (USITC or Commission) provides notice of its index and description of major information systems and availability of its records.

**FOR FURTHER INFORMATION CONTACT:** Lisa R. Barton, Secretary to the Commission, telephone (202) 205-2000/2595 or Brian R. Battles, Esquire, Office of the General Counsel, United States International Trade Commission, telephone (202) 708-4737. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at 202-205-1810. General information concerning the Commission may also be obtained by accessing its Web site at <https://www.usitc.gov>.

**SUPPLEMENTARY INFORMATION:** The Commission makes agency records available to the public in a number of ways:

*Electronic Document Information System (EDIS).* This system provides access to public documents filed in Title VII, Section 337, and other investigations before the Commission. EDIS is available to the public at <https://edis.usitc.gov>. All EDIS users must register and create an account and password to log-in and use EDIS.

*Freedom of Information Act (FOIA).* Commission records may also be requested under the FOIA (5 U.S.C. 552). These requests may be filed via the agency FOIA web portal at <https://www.usitc.gov/secretary/foia/foiarequests.htm> or with the Secretary at 500 E Street SW., Washington, DC 20436. A written FOIA request shall indicate clearly in the request letter, and on the envelope, that it is a "Freedom of Information Act Request." Commission rules for requesting information under FOIA are set out in 19 CFR 201.17-201.21. Frequently requested FOIA-processed records can

be accessed at [https://www.usitc.gov/secretary/foia/foia\\_freqreqrecords.htm](https://www.usitc.gov/secretary/foia/foia_freqreqrecords.htm).

*Harmonized Tariff Schedule of the United States (HTS).* The USITC maintains and publishes the HTS pursuant to the omnibus Trade and Competitiveness Act of 1988. The Tariff Information Center, providing the current HTS and related materials, is available to the public at <http://www.usitc.gov/tata/hts/index.htm>. *Government Information Locator Service (GILS).* The USITC has an entry in the GILS, at [http://www.access.gpo.gov/su\\_docs/gils/index.html](http://www.access.gpo.gov/su_docs/gils/index.html).

*Libraries.* The Commission maintains two libraries, its National Library of International Trade (the Commission's main reference library), located on the 3rd floor of the Commission building, and a law library, located on the 6th floor. Both are open to the public during normal business hours of 8:45 a.m. to 5:15 p.m. and are located at 500 E Street SW., Washington, DC 20436. The libraries contain, among other things, complete sets of Commission reports. To determine whether the respective libraries have the information sought, persons seeking information may call the main library at (202) 205-2630, or the law library at (202) 205-3287.

*Public Reading Room.* The Commission's public reading room is maintained and available for inspection in the Docket Services division of the Office of the Secretary. It is located on the 1st floor of the Commission building located at 500 E Street SW., Washington, DC 20436. Persons having questions regarding availability of records may contact Docket Services staff at (202) 205-1802. Depending on the age of the records requested, the files are available electronically or on microfiche.

*Reports.* Reports containing the findings and conclusions of Commission investigations and Commissioner opinions are available online at <https://www.usitc.gov>. Questions may be directed to the Office of the Secretary at (202) 205-2000/2595.

*Rules.* The Commission's Rules of Practice and Procedure set out the procedures used in Commission proceedings. The rules in 19 CFR parts 200-213 are located in the Code of Federal Regulations and available on the Commission's Web site at <https://www.usitc.gov>.

*Tariff and Trade DataWeb.* The Commission's DataWeb, <https://dataweb.usitc.gov>, provides public access to U.S. tariff and international trade data. Data from 1989 are available and can be retrieved in a number of classification systems.

*USITC Web Site.* Recent Commission notices, news releases, meeting agendas, general information "fact sheets," Commissioner biographies, schedules of pending investigations (including hearing dates and deadlines for written submissions), reports, information frequently requested under FOIA, and general information about the Commission are available electronically through the Commission's Web site at <https://www.usitc.gov>. Copies of Commission public records can also be obtained from the Secretary.

By order of the Commission.

Issued: December 20, 2016.

**Lisa R. Barton,**

*Secretary to the Commission.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1008]

### Certain Carbon Spine Board, Cervical Collar, CPR Masks and Various Medical Training Manikin Devices, and Trademarks, Copyrights of Product Catalogues, Product Inserts and Components Thereof; Commission Determination Not To Review an Initial Determination Finding All Respondents in Default; Request for Written Submissions on Remedy, the Public Interest, and Bonding

**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 an initial determination ("ID") issued by the presiding administrative law judge ("ALJ") on November 21, 2016, finding all respondents in default. The Commission requests written submissions, under the schedule set forth below, on remedy, public interest, and bonding.

**FOR FURTHER INFORMATION CONTACT:** Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-5468. 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 (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://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 24, 2016, based on an amended complaint, as supplemented, filed by Laerdal Medical Corp. of Wappingers Falls, New York, and Laerdal Medical AS of Stavanger, Norway (together, "Laerdal"). 81 FR 41349-50. The investigation was instituted to determine whether there is a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain carbon spine board, cervical collar, CPR masks, various medical training manikin devices, trademarks, copyrights of product catalogues and products inserts, and components thereof by reason of infringement of one or more of U.S. Patent No. 6,090,058, U.S. Trademark Registration No. 3,476,656, or U.S. Copyright Registration Nos. VA 1-879-023 and VA 1-879-026, or by reason of trade dress misappropriation and infringement. *Id.* at 41349. The Commission's notice of investigation named as respondents Shanghai Evenk International Trading Co., Ltd., Shanghai Honglian Medical Instrument Development Co., Ltd., and Shanghai Jolly Medical Education Co., Ltd., all of Shanghai, China; Zhangjiagang Xiehe Medical Apparatus & Instruments Co., Ltd., Zhangjiagang New Fellow Med Co., Ltd., Jiangsu Yongxin Medical Equipment Co., Ltd., and Jiangsu Yongxin Medical-Use Facilities Making Co., Ltd., all of Zhangjiagang City, China; Jiangyin Everise Medical Devices Co., Ltd., of Jiangyin City, China; Medsource International Co., Ltd. and Medsource Factory, Inc. of PuDong, China; and Basic Medical Supply, LLC of Richmond, Texas. *Id.* at 41350. The Office of Unfair Import Investigations ("OUII") was also named as a party. *Id.*

All respondents were served with a copy of the complaint and notice of investigation. See OUII Default Motion Response (Oct. 31, 2016) at 3 and Ex. A. On October 20, 2016, Laerdal filed a motion requesting that the ALJ order all respondents to show cause why they should not be held in default for failing to respond to the complaint and notice

of investigation. On October 31, 2016, OUII filed a response in support of Laerdal's motion.

On November 7, 2016, the ALJ ordered all of the respondents to show cause why they should not be held in default, and set a response deadline of November 14, 2016. Order No. 5. No responses were filed. On November 21, 2016, the ALJ issued the subject ID (Order No. 6) finding all respondents in default pursuant to Commission Rules 210.16 and 210.17. No petitions for review of the ID were filed. On December 1, 2016, Laerdal indicated that it was not seeking a general exclusion order.

The Commission has determined not to review the subject ID.

Section 337(g)(1) and Commission Rule 210.16(c) authorize the Commission to order relief against a respondent found in default, unless, after considering the public interest, it finds that such relief should not issue.

In connection with the final disposition of this investigation, the Commission may: (1) Issue an order that could result in the exclusion of articles manufactured or imported by the defaulting respondents; and/or (2) issue cease and desist orders that could result in the defaulting respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843, Comm'n Op. at 7-10 (December 1994).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors that the Commission will consider include the effect that the exclusion order and/or cease and desists orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public

interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

**Written Submissions:** Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Laerdal and OUII are requested to submit proposed remedial orders for the Commission's consideration. Laerdal is also requested to state the HTSUS numbers under which the accused products are imported, and to state the dates that the patents expire. Laerdal is further requested to supply identification information on any known importers.

Written submissions and proposed remedial orders must be filed no later than the close of business on January 5, 2017. Reply submissions must be filed no later than the close of business on January 12, 2017. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadline stated above and submit eight true paper copies to the Office of the Secretary 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 investigation number ("Inv. No. 337-TA-1008") in a prominent place on the cover page and/or the first page. (See 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)). 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 information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,<sup>1</sup> solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

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 20, 2016.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2016-31074 Filed 12-23-16; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-945]

### Certain Network Devices, Related Software and Components Thereof (II); Notice of Request for Statements on the Public Interest

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the presiding administrative law judge has issued a Final Initial Determination and Recommended Determination on Remedy and Bonding in the above-captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief, specifically a limited exclusion order against certain

network devices, related software and components thereof imported by and a and cease and desist order against respondent Arista Networks, Inc. of Santa Clara, California. This notice is soliciting public interest comments from the public only.

**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. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>, and 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 (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://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:** Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1).

The Commission is interested in further development of the record on the public interest in these investigations. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's Recommended Determination on Remedy and Bonding issued in this investigation on December 9, 2016. Comments should address whether issuance of a limited exclusion order and cease and desist order 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 recommended order are used in the United States;

(ii) Identify any public health, safety, or welfare concerns in the United States relating to the recommended order;

(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 recommended exclusion order within a commercially reasonable time; and

(v) Explain how the limited exclusion order would impact consumers in the United States.

Written submissions must be filed no later than by close of business on January 17, 2017. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

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 investigation number ("Inv. No. 337-TA-945") in a prominent place on the cover page and/or the first page. (*See 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)*). 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 information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices,

<sup>1</sup> All contract personnel will sign appropriate nondisclosure agreements.