

Employees, rather than being appointed to represent a particular interest.

The Committee meets approximately 3–4 times per year. The Committee members will serve without compensation but travel and per diem costs will be provided by USGS. The USGS will also provide necessary support services to the Committee. The Committee meetings are open to the public. Notice of Committee meetings are published in the **Federal Register** at least 15 days before the date of the meeting. The public will have an opportunity to provide input at these meetings.

**Authority:** 5 U.S.C. Appendix 2.

Signed: \_\_\_\_\_

**Kenneth M. Shaffer,**

*Deputy Executive Director, Federal Geographic Data Committee.*

[FR Doc. 2019–15640 Filed 7–23–19; 8:45 am]

**BILLING CODE 4311-AM-P**

## DEPARTMENT OF THE INTERIOR

### Geological Survey

[GX19GG00995TR00]

#### Call for Nominations for the Scientific Earthquake Studies Advisory Committee

**AGENCY:** U.S. Geological Survey, Department of the Interior.

**ACTION:** Call for nominations.

**SUMMARY:** The Department of the Interior is seeking nominations to serve on the Scientific Earthquake Studies Advisory Committee (SESAC). The SESAC advises the Director of the U.S. Geological Survey (USGS) on matters relating to the USGS's participation in the National Earthquake Hazards Reduction Program.

**DATES:** Nominations to participate on the SESAC must be received by August 26, 2019.

**ADDRESSES:** Send nominations electronically to [SESAC\\_FACA\\_Resumes@usgs.gov](mailto:SESAC_FACA_Resumes@usgs.gov) or by mail to Linda Huey, U.S. Geological Survey, U.S. Department of the Interior, 12201 Sunrise Valley Drive, Mail Stop 905, Reston, VA 20192.

**FOR FURTHER INFORMATION CONTACT:** Dr. Michael Blanpied, U.S. Geological Survey, MS 905, 12201 Sunrise Valley Drive, Reston, Virginia 20192; 703–648–6696; [mblanpied@usgs.gov](mailto:mblanpied@usgs.gov)

**SUPPLEMENTARY INFORMATION:** The SESAC conducts its operations in accordance with the provisions of the Federal Advisory Committee Act. The SESAC provides recommendations and

advice to the Director of the USGS (Director), and functions solely as an advisory body. The SESAC reviews the current activities of the USGS Earthquake Hazards Program and discusses future priorities.

The SESAC includes up to 10 members, who are qualified in the seismic sciences and other appropriate fields involved in national earthquake research activities. Selection of individuals for the SESAC shall be based solely on established records of distinguished service, and the Director shall ensure that a reasonable cross-section of views and expertise is represented. In selecting individuals to serve on the SESAC, the Director shall seek and give due consideration to recommendations from the National Academy of Sciences, professional societies, and other appropriate organizations. SESAC members are appointed for staggered terms to ensure continuity. Nominations received through this call may be used to fill future vacancies on the SESAC. Nominations will be reviewed by the USGS and additional information may be requested from nominees. Final selection and appointment of SESAC members will be made by the Director.

The SESAC meets approximately 1–2 times per year. SESAC members will serve without compensation, but travel and per diem costs will be provided by the USGS. The USGS will also provide necessary support services to the SESAC. SESAC meetings are open to the public.

Nominations may come from individuals, employers, associations, professional organizations, or other geospatial organizations. Nominations should include a resume or curriculum vitae providing an adequate description of the nominee's qualifications sufficient for the USGS to make an informed decision regarding meeting the membership requirements of the SESAC and permit the nominated person to be contacted. Nominations may optionally include supporting letters from employers, associations, professional organizations, and/or other organizations.

Additional information about the SESAC and the nomination process is posted on the SESAC webpage at <https://earthquake.usgs.gov/aboutus/sesac/>.

**Authority:** 5 U.S.C. Appendix 2.

**Trent Richardson,**

*Deputy Associate Director, Natural Hazards Mission Area.*

[FR Doc. 2019–15725 Filed 7–23–19; 8:45 am]

**BILLING CODE 4338-11-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1091]

#### Certain Color Intraoral Scanners and Related Hardware and Software; Notice of a Commission Determination To Review In-Part the Final Initial Determination; Request for Briefing

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review the final initial determination (“ID”) in-part and requests briefing from the parties.

#### FOR FURTHER INFORMATION CONTACT:

Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2737. 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 <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 the underlying investigation on December 20, 2017, based on a complaint filed on behalf of Align Technology, Inc. of San Jose, California (“Align”). 82 FR (Dec. 20, 2017). The complaint alleged violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain color intraoral scanners and related hardware and software by reason of infringement of certain claims of U.S. Patent Nos. 8,363,228 (“the ‘228 patent”); 8,451,456 (“the ‘456 patent”); 8,675,207 (“the ‘207 patent”); 9,101,433 (“the ‘433 patent”); 948,931; and 6,685,470. *See id.* The complaint named 3Shape A/S and 3Shape Inc. as the respondents. On March 15, 2018, the ALJ granted Align's unopposed motion to amend the complaint and notice of

investigation to add 3Shape Trios A/S of Copenhagen, Denmark as an additional respondent in this investigation. See 83 FR 13781–82 (March 30, 2018), *unreviewed*, Notice (March 27, 2018). The Office of Unfair Import Investigations did not participate in the investigation.

On March 1, 2019, the ALJ issued his final ID finding that no violation of section 337 has occurred. On March 18, 2019, Align filed a petition for review and 3Shape filed a contingent petition for review of the ID. On March 26, 2019, all of the parties filed responses to the respective petitions for review.

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 part. Specifically, the Commission has determined to review the ID's findings on (1) importation; (2) the construction of "processor"; (3) the construction of "confocal imaging techniques"; (4) all findings concerning infringement; (5) all findings concerning invalidity; (6) all findings concerning whether Align's products practice one or more claims of the asserted patents; and (7) all findings concerning whether Align's financial investments and activities relating to Align's products meet the domestic industry requirement.

In connection with its review, the Commission is interested in responses to the following questions from the parties:

1. Discuss whether the "processor" term of the asserted claims is understood by persons of ordinary skill in the art to have a sufficiently definite meaning as the name for structure? Is the "processor" of the asserted claims a general purpose processor? Please discuss and identify any expert testimony addressing these questions.

2. If the Commission determines that the claimed "processor" of the asserted claims is subject to means-plus-function treatment under 35 U.S.C. 112, ¶ 6, please identify the corresponding structure(s) in the specification and the proper construction for each of the asserted patents.

3. Did Respondents show by clear and convincing evidence that a person of ordinary skill in the art would not find, from reading the specification, that the inventor had "possession" of a hand-held device having the claimed processor for the '228, '456, and '207 patents? See *Ariad Pharm., Inc. v. Eli Lilly and Co.*, 598 F.3d 1336, 1351 (Fed. Cir. 2010) (en banc). Include citations to expert testimony in your response.

4. Does the language of claim 1 of the '228, '456, and '207 patents require that the "depth data" be the depth of the scanned three-dimensional object? See 3Shape Pet. at 13–14.

5. Did Align waive its argument that its domestic industry products practice the

asserted patents by introducing a new theory/evidence for the first time in its petition for review? See Align Pet. at 43–45; 3Shape Resp. at 19–20.

6. For the '228, '456, and '207 patents, is the evidence relied on by the parties before the ALJ sufficient to establish that the domestic industry products "associate the depth data with the color image data"? Please discuss all relevant evidence.

7. Did Respondents waive their challenge to the specific percentages used to determine the significance of Align's domestic industry investments? Align Resp. at 45.

8. In analyzing domestic industry, did the ID improperly credit expenses that were incurred after the filing of the complaint in this investigation or expenses that were unrelated to the domestic industry products? See 3Shape Pet. at 53–54. If certain expenses were improperly included in the analysis, please discuss whether Align's investments without the improper expenses were significant.

The parties are requested to brief only the discrete issues above, with reference to the applicable law and evidentiary record. The parties are not to brief other issues on review, which are adequately presented in the parties' existing filings.

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in the 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 the Commission will consider include the effect that an exclusion order and/or cease and desist 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:* The parties to the investigation are requested to file written submissions on the issues identified in this notice. 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. Such submissions should address the recommended determination by the ALJ on remedy and bonding. Complainant is requested to submit proposed remedial orders for the Commission's consideration. Complainant is also requested to state the date that the subject patents expire and the HTSUS numbers under which the accused products are imported. Complainant is further requested to supply the names of known importers of the Respondents' products at issue in this investigation.

The written submissions and proposed remedial orders must be filed no later than close of business on Tuesday, July 30, 2019. Reply submissions must be filed no later than the close of business on Tuesday, August 6, 2019. Opening submissions are limited to 75 pages. Reply submissions are limited to 50 pages. No further submissions on any of 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 deadlines stated above and submit eight 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 2.10.4(f)). Submissions should refer to the investigation number ("Inv. No. 337–TA–1091") 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/](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: July 18, 2019.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2019–15684 Filed 7–23–19; 8:45 am]

BILLING CODE 7020–02–P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1067]

### Certain Road Milling Machines and Components Thereof; Issuance of a Limited Exclusion Order and Two Cease and Desist Orders; 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 to issue: A limited exclusion order (“LEO”) prohibiting the unlicensed entry of infringing road-milling machines and components thereof covered by one or more of claim 29 of U.S. Patent No. 7,828,309 (“the ‘309 patent”) or claims 2, 5, 16, or 23 of U.S. Patent No. 9,656,530 (“the ‘530 patent”) that are manufactured abroad for or on behalf of, or imported by or on behalf of, any of Caterpillar Prodotti Stradali S.r.L. of Minerbio, Italy; Caterpillar Americas CV of Geneva, Switzerland; Caterpillar Paving Products, Inc. of Minneapolis, MN; and Caterpillar Inc. of Peoria, IL (“Caterpillar,” or “Respondents”) or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns; and a cease and desist order (“CDO”) directed against respondents Caterpillar Paving Products, Inc. and Caterpillar Inc., and their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns. The Commission has terminated this investigation.

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3115. 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 <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 under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), on August 25, 2017, based on a complaint filed by Wirtgen America, Inc. of Antioch, Tennessee (“Wirtgen”). 82 FR 40596–97 (Aug. 25, 2017). The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 9,644,340 (“the ‘340 patent”); 9,624,628 (“the ‘628 patent”); 7,530,641 (“the ‘641

patent”); and the ‘309 and ‘530 patents. The complaint named Caterpillar Bitelli SpA of Minerbio, Italy (“Caterpillar Bitelli”) and Caterpillar as respondents. *Id.* at 40596. The Commission's Office of Unfair Import Investigations was named as a party, but later withdrew from the investigation. Subsequently, the investigation was terminated as to respondent Caterpillar Bitelli. ALJ Order No. 11 dated December 19, 2017 (*unreviewed* January 18, 2018). The investigation was also terminated with respect to the ‘628 patent. ALJ Order No. 30 dated March 27, 2018 (*unreviewed* April 27, 2018).

The evidentiary hearing on the question of violation of section 337 was held April 20–24, 2018. The ALJ issued a final ID on violation on October 1, 2018. The ALJ found that a violation of section 337 has occurred in this investigation with respect to the ‘530 and ‘309 patents, and no violation of section 337 has occurred with respect to the ‘641 and ‘340 patent. The ALJ issued his recommended determination on remedy, the public interest and bonding on October 18, 2018. The ALJ recommended that if the Commission finds a violation of section 337 in the present investigation, the Commission should: (1) Issue an LEO covering products that infringe the patent claims as to which a violation of section 337 has been found; (2) issue a CDO; and (3) require no bond during the period of Presidential review.

Both parties to the investigation filed timely petitions for review of various portions of the final ID, as well as timely responses to the petitions. The parties also timely filed their respective public interest statements pursuant to 19 CFR 210.50(a)(4). Responses from public were likewise received by the Commission pursuant to notice. 83 FR 53296–97 (Oct. 22, 2018).

On April 17, 2019, the Commission issued a notice in which it determined to review-in-part the final ID. See 84 FR 16882–84 (Apr. 23, 2019). In its notice, the Commission determined not to review any issues relating to the ‘340, ‘641, and ‘530 patents and reversed the finding of no invalidity as to claim 36 of the ‘309 patent. See 84 FR 16882–84 (Apr. 23, 2019). The Commission requested written submissions on remedy, the public interest, and bonding. *Id.* at 1683. On May 8, 2019, Wirtgen and Caterpillar filed their opening briefs in response to the notice, and on May 15—their responsive briefs. No other submissions were received by the Commission.

Having examined the record in this investigation, including the parties' submissions on remedy, the public

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