

The complaint alleges 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 mobile devices with multifunction emulators by reason of infringement of certain claims of U.S. Patent No. 8,827,153 (“the ‘153 patent”); U.S. Patent No. 10,032,100 (“the ‘100 patent”); U.S. Patent No. 10,223,631 (“the ‘631 patent”); and U.S. Patent No. 10,255,545 (“the ‘545 patent”). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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, Room 112, Washington, DC 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (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>.

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of Docket Services, U.S. International Trade Commission, telephone (202) 205-1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10 (2018).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on August 8, 2019, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of

section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1 and 5-8 of the ‘153 patent; claims 1-20 of the ‘100 patent; claims 1-7, 9-13, 19, 21, and 22 of the ‘631 patent; and claims 1-16 of the ‘545 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “mobile phones and smartwatches;”

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Dynamics Inc., 492 Nixon Road, Cheswick, PA 15024.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Samsung Electronics Co., Ltd, 129, Samseong-Ro, Yoeongtong-Gu, Suwon, Gyeonggi 16677, Republic of Korea

Samsung Electronics America, Inc., 85 Challenger Road, Ridgefield Park, NJ 07660-2118

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be

deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: August 12, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019-17600 Filed 8-15-19; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1012]

Certain Magnetic Data Storage Tapes and Cartridges Containing the Same Notice of Commission Determination To Rescind Remedial Orders; Termination of Enforcement Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined to rescind the limited exclusion order and cease and desist orders issued in the above-captioned investigation and to terminate the enforcement proceeding.

FOR FURTHER INFORMATION CONTACT: Ron Traud, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-3427. 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 original investigation on July 1, 2016, based on a complaint filed by Fujifilm Corporation of Tokyo, Japan and Fujifilm Recording Media U.S.A., Inc. of Bedford, Massachusetts (collectively, "Fujifilm"). 81 FR 43243 (July 1, 2016). The complaint alleged violations of 19 U.S.C. 1337, as amended ("Section 337"), through the importation into the United States, sale for importation, or sale within the United States after importation of certain magnetic data storage tapes and tape cartridges containing same that allegedly infringe certain asserted claims of U.S. Patent Nos. 6,641,891 ("the '891 patent"), 6,767,612 ("the '612 patent"), 6,703,106 ("the '106 patent"), 8,236,434 ("the '434 patent"), and 7,355,805 ("the '805 patent"). *Id.* The Commission's notice of investigation named Sony Corporation of Tokyo, Japan; Sony Corporation of America of New York, New York; and Sony Electronics Inc. of San Diego, California (collectively, "Sony") as respondents. *Id.* The Office of Unfair Import Investigations ("OUII") was also named as a party to the investigation.

On March 14, 2018, the Commission determined that a violation of Section 337 occurred with respect to the '891 patent but not the '612, '106, '434, or '805 patents. 83 FR 11245 (March 14, 2018). The Commission issued a limited exclusion order and cease and desist orders against the Sony respondents, but exempted magnetic data storage tapes and tape cartridges that are imported or used for the purpose of fulfilling Sony's warranty, service, repair, or compliance verification obligations. *Id.*; *see also* Comm'n Opinion (March 8, 2018).

On June 13, 2018, the Commission instituted an enforcement proceeding and named the original three Sony entities as respondents, in addition to Sony Storage Media Solutions Corporation of Tokyo, Japan; Sony Storage Media Manufacturing Corporation of Miyagi, Japan; Sony DADC US Inc. of Terre Haute, Indiana; and Sony Latin America Inc. of Miami, Florida (collectively, "the Sony Respondents"). 83 FR 27626 (June 13, 2018). OUII was also named as a party. *Id.*

While the enforcement proceeding was ongoing, the Sony Respondents filed a request for an advisory opinion and petition for modification of the remedial orders to clarify that certain of its redesigned tape products are outside the scope of the remedial orders. *See* 83 FR 42690 (Aug. 23, 2018). The

Commission instituted the modification proceeding on August 23, 2018, and consolidated it with the enforcement proceeding. *Id.* The Commission, however, subsequently terminated the modification proceeding that had been consolidated with the enforcement proceeding on a motion filed by the Sony Respondents. 83 FR 58594 (Nov. 20, 2018).

On July 3, 2019, the presiding administrative law judge ("ALJ") issued an initial determination in the enforcement proceeding ("EID"), finding that the Sony Respondents violated the cease and desist orders and recommending a civil penalty of \$210,134 as the appropriate enforcement measure. EID at 1, 60-61.

The Sony Respondents filed a petition to review the EID on July 15, 2019. On July 17, 2019, however, the parties filed a joint motion for an extension of time to file a response to the Sony Respondents' petition in order to accommodate the parties' settlement discussions.

On July 25, 2019, Fujifilm and the Sony Respondents filed a joint petition to rescind the remedial orders and a joint motion to terminate the enforcement proceeding due to their settlement agreement and patent cross-license. *See* 19 U.S.C. 1337(k); 19 CFR 210.21(b), 210.76(a). On August 1, 2019, OUII filed a response in support of the parties' joint petition to rescind the remedial orders and their joint motion to terminate the enforcement proceeding.

The Commission, having reviewed the parties' joint petition and other materials, has determined to grant the parties' petition and motion, rescind the limited exclusion order and cease and desist orders issued in the underlying investigation, and terminate the enforcement proceeding.

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: August 13, 2019.

Lisa Barton,

Secretary to the Commission.

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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Open Group, L.L.C.

Notice is hereby given that, on August 6, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), The Open Group, L.L.C. ("TOG") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 6point6 Limited, London, UNITED KINGDOM; Acromag, Inc., Wixom, MI; Altran Technologies, SA, Paris, FRANCE; Baker Hughes, Houston, TX; Beijing JCC Information Consulting Co., Ltd., Beijing, PEOPLE'S REPUBLIC OF CHINA; Cepsa, Madrid, SPAIN; Concho Resources, Midland, TX; Concurrent Technologies, Inc., Woburn, MA; Dubai Customs, Dubai, UNITED ARAB EMIRATES; Dynamic Graphics, Inc., Alameda, CA; EPAM Systems, Inc., Newton, PA; FEI-Elcom Tech, Inc., Northvale, NJ; Flare Solutions Limited, Portsmouth, UNITED KINGDOM; GamingWorks BV, Bodegraven, THE NETHERLANDS; Geophysical Insights, Houston, TX; ikon Science Limited, London, UNITED KINGDOM; Interica Ltd., Lewes, UNITED KINGDOM; Larsen & Toubro Infotech Ltd., Edison, NJ; Logic Solutions Group LLC, Houston, TX; Macro Services Solutions, Bogota, COLOMBIA; OAG Analytics, Inc., Houston, TX; Oliasoft AS, Oslo, NORWAY; Orion Technologies, Orlando, FL; Osokey Ltd., Henley-on-Thames, UNITED KINGDOM; PGS Geophysical AS, Oslo, NORWAY; PricewaterhouseCoopers LLP, Toronto, CANADA; Quantic Energy Solutions, Inc., Houston, TX; RDRTec, Inc., Roebling, NJ; Reflex Photonics Corp., Bethlehem, PA; Searcher Seismic Geodata Pty Ltd., West Perth, AUSTRALIA; Security Compass, Ontario, CANADA; Softserve Inc., Austin, TX; Stratus Technologies, Inc., Maynard, MA; Taipei City Government Department of Information Technology, Taipei City, TAIWAN; The University of Oslo, Oslo, NORWAY; Triton Data Services, Houston, TX; VITA, Oklahoma City, OK; XMPro Inc., Dallas, TX; and Ypto NV, Anderlecht, BELGIUM, have been added as parties to this venture.