

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS-WASO-NAGPRA-NPS0031570;
PPWOCRADNO-PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Kentucky Museum, Western Kentucky University, Bowling Green, KY

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: The Kentucky Museum, Western Kentucky University, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of an unassociated funerary object. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to The Kentucky Museum, Western Kentucky University. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to The Kentucky Museum, Western Kentucky University at the address in this notice by April 9, 2021.

ADDRESSES: Sandy Staebell, Kentucky Museum, Western Kentucky University, 1906 College Heights Blvd., #11092, Bowling Green, KY 42101, telephone (270) 745-6260, email sandy.staebell@wku.edu.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the Kentucky Museum, Western Kentucky University, Bowling Green, KY, that meets the definition of an unassociated funerary object under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National

Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

At an unknown date, one cultural item was removed from a burial mound in Stewart County, TN, by the Bureau of American Ethnology. On June 14, 1927, the item was transferred to the U.S. National Museum. On May 2, 1939, the item was transferred to Western Kentucky State Teachers College. This unassociated funerary object is a hoe (Catalog #336976).

Although provenance information for this unassociated funerary object is extremely limited, the available documentary evidence assigns its excavation to a mound in Stewart County, TN. A relationship of shared group identity can reasonably be traced between the Muskogean linguistic cultures and this object based on evidence linking the Chickasaw people to the southeastern United States, including Tennessee, as documented in the Treaty of 1816.

Determinations Made by the Kentucky Museum, Western Kentucky University

Officials of The Kentucky Museum, Western Kentucky University have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the one cultural item described above is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and is believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary object and The Chickasaw Nation.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to Sandy Staebell, Kentucky Museum, Western Kentucky University, 1906 College Heights Blvd., #11092, Bowling Green, KY 42101, telephone (270) 745-6260, email sandy.staebell@wku.edu, by April 9, 2021. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary object to The Chickasaw Nation may proceed.

The Kentucky Museum, Western Kentucky University is responsible for

notifying The Chickasaw Nation that this notice has been published.

Dated: February 25, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021-04977 Filed 3-9-21; 8:45 am]

BILLING CODE 4312-52-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-976 (Rescission)]

Certain Woven Textile Fabrics and Products Containing Same; Commission Decision Instituting a Rescission Proceeding and Granting a Petition for Rescission of a General Exclusion Order and Seizure and Forfeiture Orders; Termination of Rescission 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 institute a rescission proceeding in the above-captioned investigation and rescind the general exclusion order ("GEO") and seizure and forfeiture orders ("SFOs") previously issued in the investigation. The GEO and SFOs are hereby rescinded, and the rescission proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-2532. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on December 18, 2015, based on a supplemented and twice-amended complaint filed by AAVN, Inc. of Richardson, Texas ("AAVN"). 80 FR 79094 (Dec. 18, 2015). The complaint alleged violations 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, or the sale within the United States after importation of certain woven textile fabrics and products containing same, by reason of infringement of claims 1–7 of U.S. Patent No. 9,131,790 and/or by reason of false advertising. The notice of investigation named fifteen respondents. In the course of the investigation, fourteen of the named respondents were terminated from the investigation based upon settlement or entry of a consent order. See Order No. 21 at 2–3 (Nov. 10, 2016) (summarizing the procedural history of the investigation). The last remaining respondent was Pradip Overseas Ltd. of Ahmedabad, India (“Pradip”). The Office of Unfair Import Investigations (“OUII”) was also named as a party.

AAVN accused Pradip of false advertising, specifically alleging that Pradip misrepresented the thread count of sheets manufactured in India, imported into the United States, and sold in United States department stores. Second Am. Compl. ¶¶ 39–41, 80 (Nov. 12, 2015); *id.* at Ex. 46 (“800 Thread Count” sheets measured at 252.7 threads). Although Pradip responded to the complaint, Pradip later terminated its relationship with its attorneys and represented that it would not participate in the remainder of the investigation. See Order No. 14 at 1 (Apr. 19, 2016); see also 19 CFR 210.17 (failure to act).

On September 2, 2016, AAVN moved for leave to file a motion for summary determination of violation. The summary determination motion that was appended argued, *inter alia*, that Pradip had violated section 337 by falsely advertising the thread count of its imported sheets and that the false advertising was deceptive, material, and injurious to AAVN. AAVN sought a GEO and a 100 percent bond during the period of Presidential review. See 19 U.S.C. 1337(d)(2), (j)(3). Pradip did not respond, allowing the ALJ to draw adverse inferences against Pradip. See 19 CFR 210.17(c). On November 10, 2016, the ALJ issued an initial determination (Order No. 21) granting the motion for summary determination. The ID finds that AAVN had shown a violation of section 337 by reason of false advertising under section 43 of the Lanham Act, 15 U.S.C. 1125(a)(1)(B). Order No. 21 at 7–9, 13–15. As to remedy, citing section 337(d)(2), 19 U.S.C. 1337(d)(2), which sets forth the test for issuance of a GEO, *id.* at 16, the ALJ found that “the evidence shows a widespread pattern of violation of Section 337,” *id.* at 17. The ALJ also found that “the evidence shows that it

is difficult to identify the source and manufacturers of the falsely advertised products,” because “U.S. retailers fail to identify the manufacturer, importer or seller of the textile products at the point of sale.” *Id.* at 18. Nor do import records “reveal the names of the original manufacturers of the materials used to construct the imported products.” *Id.* Accordingly, the ALJ found “that the evidence shows that it is difficult, if not impossible, to identify the sources of the falsely advertised goods.” *Id.* Based on these findings the ALJ recommended the issuance of a GEO. *Id.*

On December 20, 2016, the Commission issued a notice of a determination not to review Order No. 21, resulting in a finding of a violation of section 337, and requesting written submissions on remedy, the public interest, and bonding. 81 FR 95195–96 (Dec. 27, 2016). On January 6, 2017, AAVN and OUII filed submissions on these issues. On January 13, 2017, OUII filed a reply to AAVN’s submission. No other submissions were received.

On March 20, 2017, the Commission issued a GEO prohibiting the entry of certain woven textile fabrics and products containing same that are falsely advertised through a misrepresentation of thread count. 82 FR 15,067 (Mar. 24, 2017). The Commission found that the statutory requirements for relief under section 337(d)(2), 19 U.S.C. 1337(d)(2), were met and that the public interest factors enumerated in section 337(d)(1), 19 U.S.C. 1337(d)(1), did not preclude issuance of the statutory relief. 82 FR at 15068.

Subsequent to the issuance of the GEO, the Commission issued twelve SFOs pursuant to section 337(i)(1), 19 U.S.C. 1337(i)(1). See EDIS Doc. ID Nos.: 668965; 668969; 668972; 668977; 668980; 668982; 668984; 676164; 676169; 681551; 681554; and 728320.

On February 3, 2021, AAVN filed a petition to rescind the GEO and SFOs (“AAVN Pet.”). AAVN contends that it disagrees with the testing protocol used by Customs and Border Protection to determine whether imported articles falsely advertise their thread counts. AAVN Pet. at 2. In particular, AAVN contends that the methodology is too strict as compared to alleged testing conducted by independent testing laboratories. *Id.* at 2–3. AAVN further contends that the “exclusion of goods, including from AAVN’s licensees and customers, even after qualified independent testing labs have confirmed the accuracy of those authorized products’ thread counts, harms AAVN’s business and its standing with reputable importers.” *Id.*

at 3. AAVN recognizes that the GEO was originally issued to redress substantial injury to AAVN, 19 U.S.C.

1337(a)(1)(A), but states that “AAVN is ultimately in the best position to evaluate injury to itself,” and that rescission of the Commission remedial orders (the GEO and the SFOs issued pursuant to it) “would be less injurious to [AAVN] than continued enforcement of the GEO.” AAVN Pet. at 3. AAVN asserts that rescission of the GEO “may in practice result in rescission of all SFOs in this Investigation,” but that at least it seeks “rescission of the December 17, 2020 SFO,” EDIS Doc. ID 728320. AAVN Pet. at 3 n.2. On February 16, 2021, the Office of Unfair Import Investigations (“OUII”) responded in opposition to the petition.

Having reviewed the petition, the opposition thereto, and the record of the investigation, the Commission has determined that the petition complies with Commission Rule 210.76, 19 CFR 210.76. The Commission has determined to institute a rescission proceeding and to grant the petition. Pursuant to section 337(k)(1), an exclusion order “shall continue in effect until the Commission finds . . . that the conditions which led to such . . . order no longer exist.” 19 U.S.C. 1337(k)(1); see also 19 CFR 210.76(a)(1). AAVN’s petition alleges that the exclusion of articles pursuant to the GEO exacerbates rather than redresses any injury it faces from imports. Thus, the conditions that led to the issuance of the GEO no longer exist, and the Commission has determined to rescind the GEO. Because an SFO requires a predicate exclusion order, there is no basis to continue enforcement of SFOs after rescission of the underlying GEO. See 19 U.S.C. 1337(i)(B) (“the article was previously denied entry into the United States by reason of an order issued under subsection (d)”). Accordingly, all SFOs in this investigation are likewise rescinded. The rescissions are effective as of the date of the Order issued herewith.

The rescission proceeding is terminated. The GEO and all SFOs are rescinded.

The Commission vote for this determination took place on March 4, 2021.

The authority for the Commission’s determinations 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: March 4, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021-04923 Filed 3-9-21; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1254]

Certain Semiconductor Devices, Wireless Infrastructure Equipment Containing the Same, and Components Thereof; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 4, 2021, under section 337 of the Tariff Act of 1930, as amended, on behalf of Samsung Electronics Co., Ltd. of Korea and Samsung Austin Semiconductor, LLC of Austin, Texas. 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 semiconductor devices, wireless infrastructure equipment containing the same, and components thereof by reason of infringement of certain claims of U.S. Patent No. 9,748,243 (“the ‘243 patent”); U.S. Patent No. 9,018,697 (“the ‘697 patent”); U.S. Patent No. 9,048,219 (“the ‘219 patent”); and U.S. Patent No. 9,761,719 (“the ‘719 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainants request 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, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. 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>.

FOR FURTHER INFORMATION CONTACT:

Katherine Hiner, Office of the Secretary, Docket Services Division, 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 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on March 4, 2021, *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 1-4 and 6-20 of the ‘243 patent; claims 1-15 of the ‘697 patent; claims 1-3, 6-8, 10-14, 16, 19, 20, 23, 24, and 26-29 of the ‘219 patent; and claims 1, 5-11, 13, 15, and 18 of the ‘719 patent; and whether an industry in the United States exists 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 “semiconductor devices, wireless infrastructure equipment containing the same, specifically base stations, modem units, boards, radio units, and digital units, as well as components thereof”;

(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 complainants are:
Samsung Electronics Co., Ltd., 129 Samsung ro (Maetan-dong), Yeongtong-gu Suwon-si, Gyeonggi-do 16677, Republic of Korea
Samsung Austin Semiconductor, LLC, 12100 Samsung Blvd., Austin, Texas 78754

(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:

Ericsson AB, Torshamnsgatan 23, Kista, 16480 Stockholm, Sweden
Telefonaktiebolaget LM Ericsson, Torshamnsgatan 21, Kista, SE-164 83, Stockholm, Sweden
Ericsson Inc., 6300 Legacy Drive, Plano, TX 75024

(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 be named as a party to 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), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainants 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: March 4, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021-04902 Filed 3-9-21; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Z-Wave Alliance, Inc.

Notice is hereby given that, on February 2, 2021, pursuant to Section