

General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-5453. 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 on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On February 21, 2018, the Commission instituted this investigation based on a complaint filed by 10X Genomics, Inc. of Pleasanton, CA ("10X"). 83 FR 7491 (Feb. 21, 2018). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain microfluidic systems and components thereof and products containing same by reason of infringement of one or more claims of U.S. Patent Nos. 9,644,204 ("the '204 patent"); 9,689,024 ("the '024 patent"); 9,695,468 ("the '468 patent"); and 9,856,530 ("the '530 patent"). *Id.* The Commission's notice of investigation named as the sole respondent Bio-Rad Laboratories, Inc. of Hercules, CA ("Bio-Rad"). *Id.* The Office of Unfair Import Investigations ("OUII") is participating in this investigation. *Id.*

On July 12, 2019, the presiding administrative law judge issued the final initial determination ("ID"). The ID found a violation of section 337 by virtue of Bio-Rad's indirect infringement of the '024, the '468, and the '530 patents. The ID found that 10X had not established a violation with respect to the '204 patent. On October 17, 2019, the Commission determined to review various findings in the ID. Following its review, on February 12, 2020, the Commission found a violation of section 337 with respect to the '024 patent; the '468 patent; and the '530 patent. 85 FR 9479 (Feb. 19, 2020). The Commission also found no violation of section 337 with respect to the '204 patent.

Having found a violation of section 337, and upon consideration of the statutory public interest factors, the Commission determined to issue a limited exclusion order prohibiting further importation of Bio-Rad's infringing microfluidic systems and a

cease and desist order against Bio-Rad. *Id.* On April 29, 2021, in an appeal initiated by Bio-Rad, the U.S. Court of Appeals for the Federal Circuit affirmed the Commission's final determination. *Bio-Rad Laboratories, Inc. v. Int'l Trade Comm'n*, 996 F.3d 1302 (Fed. Cir. 2021).

On July 26, 2021, 10X and Bio-Rad entered into a settlement agreement that resolved the disputes concerning the subject matter of this investigation. Thereafter, on July 28, 2021, 10X and Bio-Rad jointly petitioned for rescission of the Commission's remedial orders under 19 U.S.C. 1337(k) and Commission Rule 210.76(a) (19 CFR 210.76(a)). On August 9, 2021, OUII filed a response in support of 10X and Bio-Rad's rescission petition.

The Commission has determined that the petition complies with Commission rules, *see* 19 CFR 210.76(a)(3), and that there are no extraordinary reasons to deny rescission of the remedial orders. Accordingly, the Commission has determined to institute a rescission proceeding and to permanently rescind the LEO and the CDO. The rescission proceeding is hereby terminated.

The Commission's vote on this determination took place on August 25, 2021.

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 210).

By order of the Commission.

Issued: August 25, 2021.

Katherine Hiner,

Supervisory Attorney.

[FR Doc. 2021-18664 Filed 8-27-21; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1104 (Modification)]

Certain Multi-Domain Test and Measurement Instruments; Notice of Commission Determination To Institute a Modification Proceeding and Modify Three Consent Orders; Termination of the Modification Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to institute a modification proceeding and modify three consent orders issued in the underlying investigation to exclude

certain products subject to a settlement agreement. The modification proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-3228. 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 on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On March 16, 2018, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), based on a complaint filed by Tektronix, Inc. of Beaverton, Oregon ("Tektronix"). *See* 83 FR 11790 (Mar. 16, 2018). The complaint alleges a violation of section 337 based upon the importation into the United States, sale for importation, or sale after importation into the United States of certain multi-domain test and measurement instruments by reason of infringement of certain claims of U.S. Patent No. 8,521,460 and U.S. Patent No. 8,675,719 ("the Asserted Patents"). *Id.* The notice of investigation names three respondents: Rohde & Schwartz GmbH & Co. KG of Munich, Germany; Rohde & Schwartz Vertriebs GmbH of Munich, Germany; and Rohde & Schwartz USA, Inc. of Columbia, Maryland (collectively, "R&S"). *Id.* at 11791.

On August 10, 2018, the Commission issued a consent order to each of the three respondents. Order No. 12 (Jul. 13, 2018), *unreviewed by* Notice (Aug. 10, 2018). The three consent orders prohibit R&S from selling for importation or selling after importation certain accused multi-domain test and measurement instruments that were alleged to infringe the asserted claims of the Asserted Patents. Following issuance of the consent orders, the investigation proceeded with respect to the remaining accused products.

On September 17, 2018, the Commission terminated the investigation in view of the consent orders and Tektronix's unopposed motion to terminate the investigation in its entirety based on withdrawal of the

complaint as to any remaining accused products. Order No. 16 (Aug. 24, 2018), *unreviewed by* 83 FR 47937–38 (Sept. 21, 2018).

On February 10, 2020, Tektronix and R&S filed a petition pursuant to Commission Rule 210.76 (19 CFR 210.76) to rescind in-part the three consent orders with respect to certain covered products based on a settlement agreement.

Having reviewed the petition, the Commission has determined that the petition complies with Commission Rule 210.76 (19 CFR 210.76), and that there are no extraordinary reasons to deny modification of the consent orders. Accordingly, the Commission has determined to institute a modification proceeding and to modify the three consent orders. Specifically, the three consent orders are rescinded in-part to the extent the orders cover R&S's RTM and RTA line of oscilloscopes with a proposed "K37 Option" and to the extent the orders cover R&S products other than oscilloscopes.

The modification proceeding is terminated.

The Commission vote for this determination took place on August 24, 2021.

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 23, 2021.

Katherine Hiner,

Supervisory Attorney.

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DEPARTMENT OF JUSTICE

[OMB Number 1125–NEW]

Agency Information Collection Activities; Proposed Collection; Comments Requested; Notice of Entry of Limited Appearance for Document Assistance Before the Board of Immigration Appeals; and Notice of Entry of Limited Appearance for Document Assistance Before the Immigration Court

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Executive Office for Immigration Review, Department of Justice (DOJ), will be submitting the

following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until October 29, 2021.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Lauren Alder Reid, Assistant Director, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041, telephone: (703) 305–0289.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and/or
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

1 *Type of Information Collection:* New collection.

2 *The Title of the Form/Collection:* Notice of Entry of Limited Appearance for Document Assistance Before the Board of Immigration Appeals; and Notice of Entry of Limited Appearance for Document Assistance Before the Immigration Court.

3 *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form numbers are EOIR–60 and EOIR–61, Executive Office for

Immigration Review, United States Department of Justice.

4 *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Attorneys and Representatives; Pro Se Respondents in proceedings before EOIR. Other: None. Abstract: This information collection is necessary to allow an attorney or representative to notify the Board or the Immigration Court that he or she is entering a limited appearance to assist a pro se respondent with a legal filing or other document to be filed with EOIR. Pursuant to the Notice of Proposed Rulemaking, Professional Conduct for Practitioners—Rules and Procedures, and Representation and Appearances, 85 FR 61640 (Sept. 30, 2020), the agency indicated that it intended to revise in accordance with the rulemaking the currently approved Form EOIR–26, Notice of Appeal from a Decision of an Immigration Judge; Form EOIR–27, Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals; and Form EOIR–28, Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court. However, after further consideration, the agency has determined that a separate stand-alone form for the entry of a limited appearance before each adjudicatory component would be the most appropriate method for the collection of this information. The separate forms EOIR–60 and EOIR–61 are intended to provide greater clarity to the practitioners using the forms, the pro se respondents who are only engaging with the practitioners in a limited capacity, and for the EOIR staff processing the forms.

5 *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* At this time, it is difficult for EOIR to estimate the total receipts it will receive for this new collection. Pursuant to the NPRM, EOIR estimated the total receipts would be at least as many receipts as received for the other two representation forms for the entry of appearance before the Immigration Court (Form EOIR–28) and the Board of Immigration Appeals (Form EOIR–27). These forms are used for attorneys or representatives who wish to appear on behalf of a respondent in pending proceedings, and remain the representative of record for the duration of the case. Those forms are not used for limited appearance purposes, but EOIR expects that at least some of those practitioners will enter limited appearances to assist respondents with document filings. So as not to under