

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-714]

**In the Matter of Certain Electronic Devices With Multi-Touch Enabled Touchpads and Touchscreens; Notice of Commission Determination To Review-in-Part a Final Initial Determination; Termination of Investigation With a Finding of No Violation of Section 337****AGENCY:** U.S. International Trade Commission.**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review in-part the final initial determination (“ID”) issued by the presiding administrative law judge (“ALJ”) on April 29, 2011, finding no violation of section 337 in the above-captioned investigation. In particular, the Commission has determined to review and take no position on the ALJ’s finding that the “scanning” step of independent claim 1 requires a specific temporal order for elements (a) to (c) and his related finding of collateral estoppel. See Order No. 17 at 9–18 (Nov. 9, 2010); ID at 8–9; Order No. 16 (Sept. 28, 2010). The Commission has further determined to adopt the remainder of the ID to the extent it is not based on these claim construction rulings. The investigation is terminated with a finding that Apple did not violate section 337.

**FOR FURTHER INFORMATION CONTACT:** Daniel E. Valencia, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–1999. 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 <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://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 April 29, 2010, based on a complaint filed by Elan Microelectronics Corporation of Taiwan (“Elan”), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain electronic devices with multi-touch enabled touchpads and touchscreens by reason of infringement of certain claims of U.S. Patent No. 5,825,352 (“the ‘352 patent”). 75 FR 22625. The complaint named Apple, Inc. of Cupertino, California (“Apple”) as the only respondent.

On April 29, 2011, the ALJ issued a final ID finding no violation of section 337. The ALJ concluded, among other things, that none of the accused products infringe the asserted claims of the ‘352 patent and that no domestic industry exists.

On May 16, 2011, complainant Elan filed a petition for review of the ALJ’s final ID. The same day, respondent Apple filed a contingent petition for review. On May 24, 2011, Elan, Apple, and the Commission investigative attorney responded to the petitions for review. Having examined the record of this investigation, including the ALJ’s final ID and the submissions of the parties, the Commission has determined to review and take no position on the ALJ’s claim construction ruling that the “scanning” step of independent claim 1 requires a specific temporal order for elements (a) to (c), and his related finding of collateral estoppel. See Order No. 17 at 9–18 (Nov. 9, 2010); ID at 8–9; Order No. 16 (Sept. 28, 2010). The Commission has also determined to adopt the remainder of the ID to the extent it is not based on these claim construction rulings. The Commission had determined to terminate the investigation with a finding that Apple has not violated section 337.

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: June 30, 2011.

**James R. Holbein,**

*Secretary to the Commission.*

[FR Doc. 2011–16967 Filed 7–6–11; 8:45 am]

**BILLING CODE 7020–02–P**

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-767]

**In the Matter of Certain Glassware; Notice of Commission Determination not To Review an Initial Determination Terminating the Investigation in Its Entirety; Issuance of a Consent Order; 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 not to review the presiding administrative law judge’s (“ALJ”) initial determination (“ID”) (Order No. 8) granting the joint motion of complainant Boston Beer Corporation of Boston, Massachusetts (“Boston Beer”) and respondents 1 Source Signature Glassware, Inc. (“1 Source”), the di Sciacca Company (“di Sciacca”), and the San Tan Brewing Company, Inc. (“San Tan”) all of Chandler, Arizona to terminate in its entirety Inv. No. 337-TA-767, *Certain Glassware*, based on a consent order. The investigation is terminated.

**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. 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 <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://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 March 24, 2011, based on a complaint filed on February 18, 2011, and supplemented on March 14, 2011, by Boston Beer. 76 FR 16639–40. The complaint, as supplemented, alleges 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, and the

sale within the United States after importation of certain glassware by reason of infringement of U.S. Patent Nos. D582,213 and D569,189. The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named 1 Source, di Sciacca, and San Tan as respondents.

On June 1, 2011, Boston Beer and Respondents filed a joint motion for termination of the investigation in its entirety by reason of a consent order stipulation. No responses were filed.

On June 14, 2011, the ALJ issued the subject ID, granting the joint motion for termination in its entirety. The ALJ found that the consent order stipulations complied with the requirements of Commission Rule 210.21(c)(3) (19 CFR 210.21(c)(3)). The ALJ also concluded that there is no evidence that termination of this investigation in its entirety would be contrary to the public interest. No petitions for review of this ID were filed.

The Commission has determined not to review the ID.

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 section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

By order of the Commission.

Issued: June 30, 2011.

**James R. Holbein,**

*Secretary to the Commission.*

[FR Doc. 2011-16912 Filed 7-6-11; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on June 30, 2011, a Consent Decree in *United States v. Western Refining Company, L.P.*, Civil Action No. 3:11-cv-276, was lodged with the United States District Court for the Western District of Texas.

The Consent Decree, which pertains to Western's El Paso, Texas refinery, is one of many national settlements concluded as part of EPA's Clean Air Act Petroleum-Refinery Initiative. Consistent with the objectives of the national initiative, the settlement requires Western to perform injunctive relief to reduce emissions of nitrogen oxides, sulfur dioxide, volatile organic compounds, and benzene. Among other things, emission limits are set for NO<sub>x</sub> and SO<sub>2</sub> emissions from the fluidized catalytic cracking unit (FCCU), emission

limits are set for NO<sub>x</sub> from large heaters and boilers, the root causes of any flaring incidents must be investigated, the refinery's flares must comply with regulations that limit SO<sub>2</sub> emissions, the refinery's benzene monitoring program is enhanced, and the refinery's leak-detection-and-repair (LDAR) program is upgraded. The Consent Decree also requires the payment of a \$1.45 million civil penalty.

The Consent Decree resolves allegations by the Environmental Protection Agency, asserted in a complaint filed with the Consent Decree.

The Department of Justice will receive comments relating to the Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov), or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Western Refining Company, L.P.*, D.J. Ref. No. 90-5-2-1-07629/1.

During the public comment period, the Consent Decree may be examined on the following Department of Justice Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax number (202) 514-0097, phone confirmation number (202) 514-1547. If requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$30.25 (25 cents per page reproduction cost) payable to the U.S. Treasury, or, if requesting by e-mail or fax, please forward a check in that amount to the Consent Decree Library at the address given above.

**Maureen M. Katz,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2011-16986 Filed 7-6-11; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Notice of Proposed Consent Decrees Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

Pursuant to Section 122(d)(2) of CERCLA, 42 U.S.C. 9622(d)(2), notice is

hereby given that on June 28, 2011, two proposed Consent Decrees in *United States v. Atlantic Land and Improvement Co. et al.*, Civil Action No. 8:11-cv-01435-EAK-EAJ, were lodged with the United States District Court for the Middle District of Florida.

In this action the United States sought to require the Defendants, Atlantic Land and Improvement Co. ("ALI") and Stephen J. Cook and Patricia J. Cook ("the Cooks"), to conduct remedial design and remedial action to address releases and threatened releases of hazardous substances at the Raleigh Street Dump Superfund Site ("Site") in Tampa, Hillsborough County, Florida. The United States also sought to recover past and future costs incurred and to be incurred by the Environmental Protection Agency (EPA) during the performance of response actions at the Site.

Under the Consent Decree with ALI, ALI will perform the remedial design and remedial action at the Site. The remedy provides for excavation of approximately 12,000 cubic yards of contaminated soils and sediments, replacement with clean fill to pre-removal grade, monitored natural attenuation of contaminated groundwater, and restoration of on-site wetlands impacted during removal of contaminated soils/sediments. ALI will also excavate an additional approximately 2,000 cubic yards of soil and place approximately 4,400 square feet of concrete slab under existing buildings at the Site. ALI will also reimburse the Hazardous Substance Superfund in the amount of \$175,000 for EPA's future response costs at the Site.

Under the Consent Decree with the Cooks, the Cooks will record a notice to successors-in-title and deed restrictions on the portion of the Site owned by them; ensure that materials and land use at the Site do not interfere with the remedial action; and reimburse the Hazardous Substance Superfund in the amount of \$20,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decrees. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Atlantic Land and Improvement Co. et al.*, Civil Action No. 8:11-cv-01435-EAK-EAJ, DOJ Ref. # 90-11-2-09654.