

the human remains to The Tribes may proceed after that date if no additional requestors come forward.

The Minnesota Indian Affairs Council is responsible for notifying The Tribes that this notice has been published.

Dated: November 29, 2011.

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

[FR Doc. 2011-31071 Filed 12-2-11; 8:45 am]

**BILLING CODE 4312-50-P**

## **INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-730]

### **Certain Inkjet Ink Supplies and Components Thereof; Final Determination of Violation; Termination of Investigation; Issuance of General Exclusion Order**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 in the above-captioned investigation and has issued a general exclusion order. The investigation is terminated.

**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) 205-3106. 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 August 3, 2010, based on a complaint filed by Hewlett-Packard Company of Palo Alto, California and Hewlett-Packard Development Company, L.P. of Houston, Texas (collectively, "HP") alleging a violation of section 337 in the

importation, sale for importation, and sale within the United States after importation of certain inkjet ink supplies and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 6,959,985 and 7,104,630. 75 FR 45663 (Aug. 3, 2010).

Complainant named Mipo International, Ltd. of Atlanta, Georgia ("Mipo"); Mextec Group Inc. of Miami, Florida ("Mextec"); Shanghai Angel Printer Supplies Co., Ltd. of Shanghai, China ("Shanghai Angel"); Shenzhen Print Media Co., Ltd. of Guangdong, China ("Shenzhen"); Zhuhai National Resources & Jingjie Imaging Products Co., Ltd. of Guangdong, China ("Zhuhai National"); Tatrix International of Guangdong, China ("Tatrix"); and Ourway Image Co. Ltd. of Guangdong, China ("Ourway") as respondents. Subsequently, Mipo, Mextec, and Shenzhen were terminated from the investigation based on either a settlement agreement with HP or because HP withdrew its allegations against them. The remaining respondents, *i.e.*, Shanghai Angel, Zhuhai National, Tatrix, and Ourway (collectively, "Defaulting Respondents"), failed to answer the Complaint and Notice of Investigation and default judgments were granted against all the Defaulting Respondents.

On March 7, 2011, complainant HP filed a paper entitled "Motion for Summary Determination That a Domestic Industry Exists and That There Have Been Violations of Section 337 of the Tariff Act of 1930 (Amended) By the Defaulting Respondents and Complainants' Request for a General Exclusion Order." Complainant sought a determination that a domestic industry exists and that there has been a violation of Section 337 and requested a recommendation for a general exclusion order ("GEO"). On August 3, 2011, the ALJ issued an initial determination ("ID") (Order No. 14) granting complainant's motion for summary determination. The ID contained the ALJ's recommended determination on remedy and bonding including a recommendation for issuance of a GEO against the Defaulting Respondents. The ALJ also recommended that the Commission set a bond of 100 percent during the period of Presidential review.

On September 1, 2011, the Commission determined not to review the ID and requested briefing on remedy, the public interest, and bonding. Only HP and the Commission investigative attorney timely filed their respective submissions, containing proposed GEOs.

The Commission has determined that the appropriate form of relief is a GEO under 19 U.S.C. 1337(d)(2), prohibiting the unlicensed entry of inkjet cartridges and components thereof covered by one or more of claims 1-5, 7, 22-25, 27 and 28 of the '985 patent and claims 1-7, 11-12, 14, 26-30, 32, 34 and 35 of the '630 patent.

The Commission has further determined that the public interest factors enumerated in Section 337(d) (19 U.S.C. 1337(d)) do not preclude issuance of the GEO. The Commission has determined that the bond for temporary importation during the period of Presidential review (19 U.S.C. 1337(j)) shall be in the amount of 100 percent of the value of the imported articles that are subject to the order. The Commission's order was delivered to the President and the United States Trade Representative on the day of its issuance.

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 sections 210.42-50 of the Commission's Rules of Practice and Procedure (19 CFR 210.42-50).

By order of the Commission.

Issued: November 29, 2011.

**James R. Holbein,**

*Secretary to the Commission.*

[FR Doc. 2011-31132 Filed 12-2-11; 8:45 am]

**BILLING CODE 7020-02-P**

## **INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-726]

### **Certain Electronic Imaging Devices; Commission Determination To Affirm Finding of No Violation; Termination of the Investigation**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to affirm the final initial determination ("ID") issued by the presiding administrative law judge ("ALJ") on July 27, 2011 finding no violation of section 337 in the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:** Jia Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-4737. 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 July 8, 2010, based on a complaint filed by Flashpoint Technology, Inc. ("Flashpoint") of Peterborough, New Hampshire. 75 FR 39971 (Jul. 8, 2010). The complaint alleges violations of Section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic imaging devices by reason of infringement of claims 1, 11, and 21 of U.S. Patent No. 6,134,606 ("the '606 patent"), claims 1-7, 11-13, 16-23, 26, 30-32, 40, and 41 of U.S. Patent No. 6,262,769 ("the '769 patent"), and claims 1-14 and 16 of U.S. Patent No. 6,163,816 ("the '816 patent"). On April 7, 2011, the ALJ issued Order No. 36 terminating the investigation as to all claims of the '606 patent. The proposed respondents are Nokia Corporation of Espoo, Finland and Nokia, Inc. of Irving, Texas (collectively, "Nokia"); Research In Motion of Waterloo, Ontario, Canada and Research In Motion Corp. of Irving, Texas (collectively, "RIM"); LG Electronics, Inc. of South Korea, LG Electronic U.S.A., Inc. of Englewood Cliffs, New Jersey, and LG Electronics MobileComm U.S.A. of San Diego, California (collectively, "LG"); and HTC Corporation of Taiwan and HTC America, Inc. of Bellevue, Washington (collectively, "HTC"). Nokia, RIM, and LG were terminated from the investigation on the basis of settlement agreements.

On March 8, 2011, the Commission determined not to review the ALJ's Order No. 18 granting Flashpoint's motion for summary determination that it has satisfied the economic prong of the domestic industry requirement. On July 28, 2011, the ALJ issued the subject ID finding no violation of Section 337 by HTC. Specifically, the ALJ found that the accused HTC Android smartphones and the accused HTC Windows Phone 7 ("WP7") smartphones do not infringe

the asserted claims of the '769 patent or the asserted claims of the '816 patent. The ALJ also found that HTC has not established that the asserted claims of the '769 patent are invalid for obviousness in view of the prior art and that Flashpoint has not established that the asserted claims of the '769 patent are entitled to an earlier date of invention than that of the patent's filing date. The ALJ further found that HTC has not established that the asserted claims of the '816 patent are anticipated by the prior art, but that HTC has established that the asserted claims of the '816 patent are invalid under the on-sale bar of 35 U.S.C. 102(b). On July 10, 2011, Flashpoint, HTC and the Commission investigative attorney each filed a petition for review.

On September 26, 2011, the Commission determined to review (1) Infringement of the asserted claims of the '769 patent by the accused HTC Android smartphones, (2) infringement of the asserted claims of the '769 patent by the accused HTC WP7 smartphones, (3) the technical prong of the domestic industry requirement for the '769 patent with respect to the licensed Motorola smartphones, (4) the technical prong of the domestic industry requirement for the '769 patent with respect to the licensed Apple smartphones, and (5) the enforceability of the asserted patents under the doctrines of implied license and exhaustion. The Commission also determined to review and to take no position on (a) anticipation of the asserted claims of the '816 patent under 35 U.S.C. 102 in view of the prior art references and (b) obviousness of the asserted claims of the '816 patent under 35 U.S.C. 103 in view of the prior art references. Finally, the Commission determined to deny complainant's request for oral argument. The Commission requested that the parties brief their positions on the issues on review with reference to the applicable law and the evidentiary record.

Having examined the record of this investigation, including the ALJ's final ID and the submissions of the parties, the Commission has determined to affirm the ALJ's determination of no violation of Section 337 with respect to the '769 patent on the bases that (1) the accused HTC Android smartphones and the accused HTC WP7 smartphones do not infringe the '769 patent, and (2) respondent has established that it has an implied license to practice the '769 patent with respect to the accused WP7 smartphones. The Commission has determined to take no position on the ALJ's finding that respondent has not established the right to practice the '769 patent with respect to the accused WP7

smartphones under the defense of patent exhaustion. The Commission has also determined to take no position on the ALJ's finding that complainant has not met the technical prong of the domestic industry requirement for the '769 patent.

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 sections 210.42-46 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.42-46 and 210.50).

By order of the Commission.

Issued: November 29, 2011.

**James R. Holbein,**

*Secretary to the Commission.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-743]

### Certain Video Game Systems and Controllers; Investigations: Terminations, Modifications and Rulings

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

**ACTION:** Notice.

Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in its investigations. Accordingly, the parties are invited to file submissions of no more than five (5) pages concerning the public interest in light of the administrative law judge's Recommended Determination on Remedy and Bonding issued in this investigation on November 2, 2011. Comments should address whether issuance of a limited exclusion order and/or a cease and desist order in this investigation could affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like