

Unfair Import Investigations (“OUII”) participated in the original investigation.

Medical Depot Inc. and Apex were terminated from the original investigation on the basis of consent orders. Order Nos. 8 (unreviewed by the Commission, July 18, 2013) and 11 (unreviewed by the Commission, Aug. 8, 2013).

On September 23, 2013, Apex filed a request for an advisory opinion under Commission Rule 210.79 (19 CFR 210.79) that would declare that its redesigned iCH and XT CPAP humidifiers and WiZARD 220 mask are outside the scope of the Commission’s August 8, 2013 Consent Order. On December 11, 2013, the Commission determined to institute an advisory opinion proceeding based on Apex’s request. 78 FR 76320–21 (Dec. 17, 2013). ResMed and OUII both participated in the advisory opinion proceeding.

On June 3, 2014, the ALJ issued an initial advisory opinion (“IAO”) finding that Apex’s redesigned iCH and XT CPAP humidifiers are covered, and Apex’s redesigned WiZARD 220 mask is not covered, by the Consent Order. Even though Apex requested the advisory opinion, the ALJ placed the burden of proof on the patent owner, ResMed, in view of the Supreme Court’s recent decision in *Medtronic, Inc. v. Mirowski Family Ventures, LLC*, 134 S. Ct. 843 (2014). However, the ALJ stated that the outcome of this particular advisory opinion proceeding was not dependent on which party carried the burden of proof. In addition, the ALJ found that the iCH CPAP humidifier infringes claim 20 of the ’337 patent both literally and under the doctrine of equivalents, and that the XT CPAP humidifier infringes claim 20 of the ’337 patent under the doctrine of equivalents. The ALJ also found that the WiZARD 220 mask does not infringe claim 15 of the ’587 patent.

ResMed, Apex, and OUII each filed a petition for review of the IAO on June 16, 2014. They each filed a response to the other petitions for review on June 23, 2014.

Having reviewed the IAO, the record evidence, and the parties’ submissions, the Commission has determined to continue to place the burden of proof in an advisory opinion proceeding on the party that requested the advice. Accordingly, in this proceeding, Apex must carry the burden of proving that its redesigned products are outside the scope of the Consent Order. The Commission has also determined to adopt, with modified reasoning, the ALJ’s finding that Apex’s redesigned iCH CPAP humidifier is covered, and

the ALJ’s finding that Apex’s redesigned WiZARD 220 mask is not covered, by the Consent Order. The Commission has further determined Apex’s redesigned XT CPAP humidifier is not covered by the Consent Order, thereby reversing the ALJ’s finding on this point. A modified advisory opinion will follow shortly.

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 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

Issued: July 18, 2014.

By order of the Commission.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2014–17394 Filed 7–23–14; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–613]

### **Certain 3g Mobile Handsets and Components Thereof; Commission Determination Not To Review an Initial Determination Granting in Part Motion of Nokia Corporation, Nokia Inc., and Microsoft Mobile OY To Substitute Parties and Amend Notice of Investigation and Motion of Microsoft Mobile OY To Intervene for the Limited Purpose of Filing the Motion To Substitute Parties and Amend the Notice 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. 49) granting in part a motion of respondents Nokia Corporation (“Nokia Corp.”) and Nokia Inc. (collectively “Nokia”) and non-party Microsoft Mobile OY (“MMO”) to substitute parties and amend the notice of investigation and a motion of MMO to intervene for the limited purpose of filing the motion to substitute parties and amend the notice of investigation.

#### **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 Inv. No. 337–TA–613 on September 11, 2007, based on a complaint filed by InterDigital Communications Corp. of King of Prussia, Pennsylvania and InterDigital Technology Corp. of Wilmington, Delaware (collectively, “InterDigital”) on August 7, 2007. 72 FR 51838 (Sept. 11, 2007). The complaint, as amended, 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, and the sale within the United States after importation of certain 3G mobile handsets and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 7,117,004; 7,190,966 (“the ’966 patent”); 7,286,847 (“the ’847 patent”); and 6,973,579. The notice of investigation named Nokia Corporation of Espoo, Finland and Nokia Inc. of Irving, Texas (collectively, “Nokia”) as respondents. *Id.* The Office of Unfair Import Investigations was named as a participating party. *Id.*

On August 14, 2009, the ALJ issued his final ID, finding no violation of section 337. On October 16, 2009, the Commission determined to review the Final ID in part and terminated the investigation with a finding of no violation. 74 FR 55068–69 (Oct. 26, 2009).

InterDigital timely appealed the Commission’s final determination of no violation of section 337 as to all of the asserted claims of the ’966 patent and claim 5 of the ’847 patent to the Federal Circuit. On August 1, 2012, the U.S. Court of Appeals for the Federal Circuit (“Federal Circuit”) reversed the Commission’s construction of two claim limitations found in the appealed patents-in-suit, reversed the Commission’s determination of non-infringement as to the asserted claims of those patents, and remanded to the Commission for further proceedings. *InterDigital Commc’ns, LLC v. Int’l*

*Trade Comm'n.*, 690 F.3d 1318 (Fed. Cir. 2012).

On February 12, 2014, the Commission issued a Notice, Order, and Opinion deciding certain aspects of the investigation and remanding other aspects to the chief administrative law judge ("ALJ"). 79 FR 9277–79 (Feb. 18, 2014); *see also* Comm'n Op. Remanding Investigation (Feb. 12, 2014); Comm'n Order Remanding Investigation (Feb. 12, 2014). On February 24, 2014, Nokia petitioned for reconsideration of the Commission's remand Order and Opinion. On March 24, 2014, the Commission granted in part the petition for reconsideration and issued a revised remand notice, order, and opinion. 79 FR 17571–73 (Mar. 28, 2014).

On May 21, 2014, respondents Nokia Corp. and Nokia Inc. and non-party MMO filed a motion to substitute MMO for Nokia Corp. as a result of MMO's recent acquisition of Nokia's Devices and Services business unit and to amend the Notice of Investigation ("NOI"). MMO also filed a motion to intervene for the limited purpose of filing the motion to substitute parties and amend the NOI. On May 30, 2014, the Commission investigative attorney ("IA") filed a response, supporting the request to amend the NOI and to add MMO as a respondent but opposing the request to terminate Nokia Corp. from the investigation. On June 2, 2014, complainants InterDigital filed a response likewise agreeing that the NOI should be amended to add MMO as a respondent but that Nokia Corp. should not be terminated from the investigation.

On June 18, 2014, the presiding ALJ issued the subject ID, granting MMO's motion to intervene and granting in part Nokia's and MMO's motion to amend the NOI. Specifically, the ALJ granted the motion to add MMO as a respondent but denied the motion with respect to substituting MMO for Nokia Corp. and terminating Nokia Corp. from the investigation.

On June 26, 2014, Nokia and MMO filed a petition for review of the subject ID, arguing that the ALJ erred by granting relief not requested by either moving party and by failing to substitute MMO for Nokia Corp. and terminate Nokia Corp. from the investigation. On July 1, 2014, the IA filed a response to Nokia's petition. On July 3, 2014, InterDigital filed a response to Nokia's petition.

The Commission has determined not to review the subject ID. The Commission notes that pursuant to Commission Rule 210.21(c), 19 CFR 210.21(c), Nokia Corp. may enter into a

consent order to terminate its participation in this investigation.

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).

Issued: July 18, 2014.

By order of the Commission.

**Lisa R. 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; Global Climate and Energy Project

Notice is hereby given that, on June 10, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Global Climate and Energy Project ("GCEP") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership, nature and objectives. 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, Bank of America, N.A., Charlotte, NC, has been added as a party to this venture. The change in its nature and objectives is that the members of GCEP have amended the agreement between them to update the list of project research that has been authorized by the members and to extend the termination of GCEP from August 31, 2015, to August 31, 2016.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and GCEP intends to file additional written notifications disclosing all changes in membership.

On March 12, 2003, GCEP filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 4, 2003 (68 FR 16552).

The last notification was filed with the Department on February 22, 2013. A notice was published in the **Federal**

**Register** pursuant to Section 6(b) of the Act on March 21, 2013 (78 FR 17430).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2014–17357 Filed 7–23–14; 8:45 am]

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## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### Exemptions From Certain Prohibited Transaction Restrictions

**AGENCY:** Employee Benefits Security Administration, Labor.

**ACTION:** Grant of Individual Exemptions.

**SUMMARY:** This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code). This notice includes the following: 2014–04, Northwestern Mutual Investment Services, Inc., D–11496; 2014–05, Liberty Media 401(k) Savings Plan, D–11756; 2014–06, AT&T Inc., D–11758; 2014–07, The Delaware County Bank and Trust Company Employee 401(k) Retirement Plan, D–11773; and 2014–08, The Home Savings and Loan Company 401(k) Savings Plan, D–11780.

**SUPPLEMENTARY INFORMATION:** A notice was published in the **Federal Register** of the pendency before the Department of a proposal to grant such exemption. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, DC. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicant has represented that it has complied with the requirements of the notification to interested persons. No requests for a hearing were received by the Department. Public comments were received by the Department as described in the granted exemption.

The notice of proposed exemption was issued and the exemption is being granted solely by the Department