

as possible and which will guide the management of the Seashore over the next 20+ years.

The responsible official for this FEIS/GMP is the Regional Director, NPS Southeast Region, 100 Alabama Street SW., 1924 Building, Atlanta, Georgia 30303.

Dated: October 1, 2014.

**Stan Austin,**

*Regional Director, Southeast Region.*

[FR Doc. 2014-25584 Filed 10-27-14; 8:45 am]

**BILLING CODE 4310-JD-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 337-TA-055, 087, 105, 112, 287, 295]

**Certain Novelty Glasses; Certain Coin-Operated Audio Visual Games and Components Thereof; Certain Coin-Operated Audio Visual Games and Components Thereof (Viz., Rally-X and Pac-Man); Certain Cube Puzzles; Certain Strip Lights; Certain Novelty Teleidoscopes; Request for Written Submissions on Whether Certain Commission Exclusion Orders Should Be Rescinded, in Whole or in Part, Based on Changed Conditions of Fact or Law or the Public Interest**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission is requesting submissions on whether the exclusion orders issued at the conclusion of the following six Commission investigations should be rescinded, in whole or in part, based on changed conditions of fact or law, or the public interest, pursuant to 19 CFR 210.76: *Certain Novelty Glasses*, Inv. No. 337-TA-055, Exclusion Order (July 11, 1979); *Certain Coin-Operated Audio Visual Games and Components Thereof*, Inv. No. 337-TA-087, Exclusion Order (June 25, 1981); *Certain Coin-Operated Audio Visual Games and Components Thereof (Viz., Rally-X and PAC MAN)*, Inv. No. 337-TA-105, Exclusion Order (January 15, 1982); *Certain Cube Puzzles*, Inv. No. 337-TA-112, Exclusion Order (December 30, 1982); *Certain Strip Lights*, Inv. No. 337-TA-287, Exclusion Order (September 28, 1989); and *Certain Novelty Teleidoscopes*, Inv. No. 337-TA-295, Exclusion Order (April 11, 1990).

### FOR FURTHER INFORMATION CONTACT:

Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW.,

Washington, DC 20436, telephone (202) 708-2310. 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:** U.S. Customs and Border Protection ("CBP") has notified the Commission that the six above-identified exclusion orders may be candidates for rescission based on changed conditions of fact or law. Each of the above-identified exclusion orders issued over twenty (20) years ago and each resulted from a Commission investigation alleging a violation of section 337 based on at least trademark or trade dress infringement. CBP's preliminary investigation has indicated that the trademarks or trade dress at issue in the exclusion orders are no longer used in commerce or complainant has stopped making required compliance filings. See EDIS Document Nos. 542137-42. The Commission therefore is requesting submissions from the public, including the current owners of the trademarks or trade dress at issue, on whether these exclusion orders should be rescinded based on changed conditions of fact or law, or the public interest, pursuant to 19 CFR 210.76.

The public interest factors that will be considered by the Commission in determining whether to rescind the exclusion orders include the following: (1) The public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers.

**Written Submissions:** The parties to the investigations, the current rights' holders or successors-in-interest to the trademarks or trade dress at issue, interested government agencies, and any other interested parties are encouraged to file written submissions on whether the Commission should rescind the exclusion orders at issue based on changed conditions of fact or law or the

public interest. The written submissions must be filed no later than close of business on December 22, 2014. Reply submissions must be filed no later than the close of business on January 20, 2015. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to Commission rule 210.4(f), 19 CFR 210.4(f). Submissions should refer to the investigation number (e.g., "Inv. No. 337-TA-055") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, [http://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/handbook\\_on\\_electronic\\_filing.pdf](http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf)).

Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

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: October 22, 2014.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2014-25546 Filed 10-27-14; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 337-TA-867/861 (Advisory Opinion Proceeding)]

**Certain Cases for Portable Electronic Devices; Institution of an Advisory Opinion 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 an advisory opinion proceeding in the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:**

Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-3042. 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-861 on November 16, 2012, based on a complaint filed by Speculative Product Design, LLC of Mountain View, California ("Speck"). 77 FR 68828 (Nov. 16, 2012). The complaint alleged violations of section 337 of the Tariff Act of 1930 (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 cases for portable electronic devices by reason of infringement of various claims of United States Patent No. 8,204,561 ("the '561 patent"). The complaint named several respondents.

The Commission instituted Inv. No. 337-TA-867 on January 31, 2013, based on a complaint filed by Speck. 78 FR 6834 (Jan. 31, 2013). That complaint also alleged violations of section 337 of the Tariff Act of 1930 (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 cases for portable electronic devices by reason of infringement of various claims of the '561 patent. The complaint named several respondents. On January 31, 2013, the Commission consolidated the two investigations. *Id.*

All the participating respondents were terminated from the consolidated investigations as a result of settlement agreements, consent motion stipulations, or withdrawal of the

complaint as to them. A number of the named respondents defaulted. On February 21, 2014, the ALJ issued his final initial determination finding a violation of section 337 as to claims 4, 5, 9, and 11 of the '561 patent by the defaulting respondents and recommended issuance of a general exclusion order ("GEO"). Based on evidence of a pattern of violation and difficulty ascertaining the source of the infringing produces, the Commission agreed with the ALJ and issued a GEO directed to cases for portable electronic devices that infringe one of claims 4, 5, 9, and 11 of the '561 patent.

On September 4, 2014, Otter Products, LLC of Fort Collins, Colorado ("Otter") filed a request with the Commission asking for institution of an advisory opinion proceeding to declare that its Symmetry Series Products are not covered by the general exclusion order. Specifically, Otter requests that the proceeding consider: (1) Whether, under section 337 and the Administrative Procedure Act, the GEO should apply to Otter's imports absent a determination by the Commission in a violation or enforcement proceeding that Otter's products infringe; (2) whether Otter's products are covered by one or more of claims 4, 5, 9, and 11 of the '561 patent; and (3) that the Commission consider the validity of the '561 patent as part of this proceeding. On October 1, 2014, complainant Speck filed an opposition to Otter's request.

The Commission has determined that Otter's request complies with the requirements for institution of an advisory opinion proceeding under Commission Rule 210.79 to determine whether Otter's Symmetry Series products infringe one or more of claims 4, 5, 9, and 11 of the '561 patent. The Commission has determined to reject Otter's argument that the GEO should apply to only products that were specifically before the Commission. *See Hyundai Elecs. Indus. Co. v. U.S. Int'l Trade Comm'n*, 899 F.2d 1204, 1210 (Fed. Cir. 1990) (internal citations omitted) ("the Commission can impose a general exclusion order that binds parties and non-parties alike and effectively shifts to would-be importers of potentially infringing articles, as a condition of entry, the burden of establishing noninfringement."); *Multi Level Touch Control Lighting Switches*, USITC Inv. No. 337-TA-225, 1987 ITC Lexis 274, \*6 (Jul. 16, 1987) ("It is in the nature of general exclusion orders that they may apply to articles not before the Commission during the investigation.") The Commission has also determined to continue its longstanding practice of not considering the validity of the

underlying intellectual property in advisory proceedings. *See Certain Rare Earth Magnets and Magnetic Materials and Articles Containing Same*, Inv. No. 337-TA-413, Denial of Request for Advisory Opinion at 1 (Nov. 1, 2010); *Multi-Level Touch Control Lighting Switches*, Inv. No. 337-TA-225 at \*5-6.

Accordingly, the Commission has determined to institute an advisory opinion proceeding to determine only whether Otter's Symmetry Series products infringe one or more of claims 4, 5, 9, and 11 of the '561 patent. The Commission has determined to refer Otter's request to the Office of Unfair Import Investigations ("OUII"). The parties will furnish OUII with information as requested, and OUII shall investigate and issue a report to the Commission within ninety (90) days of the date of publication of this notice in the **Federal Register**. The Commission will issue an advisory opinion within 45 days of receipt of OUII's written report. The following entities are named as parties to the proceeding: (1) Complainant Speck and (2) Otter.

The authority for the Commission's determination is contained in sections 335 and 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1335, 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

Issued: October 22, 2014.

By order of the Commission.

**Lisa R. Barton,**

*Secretary to the Commission.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

On October 21, 2014, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Oregon in a lawsuit entitled *United States v. Justine V.R. Russell, in her capacity as Personal Representative of the Estate of Roger Milliken, Dr. Ora K. Smith, and Sue Beauregard Rife, in her capacity as Personal Representative of the Estate of William A. Bowes*, Civil Action No. 2:14-cv-01660-SU.

The United States filed this lawsuit under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, ("CERCLA"), 42 U.S.C. 9601 *et*