

**Background.**—On September 7, 2010, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that full reviews pursuant to section 751(c)(5) of the Act should proceed (75 FR 59744, September 28, 2010). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's Web site.

**Participation in the reviews and public service list.**—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

**Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.**—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

**Staff report.**—The prehearing staff report in the reviews will be placed in the nonpublic record on May 9, 2011, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

**Hearing.**—The Commission will hold a hearing in connection with the reviews beginning at 9:30 a.m. on May 26, 2011, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before May 18, 2011.

A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on May 20, 2011, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

**Written submissions.**—Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is May 17, 2011. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is June 13, 2011; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the reviews on or before June 13, 2011. On July 11, 2011, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before July 13, 2011, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II(C) of the Commission's Handbook on Electronic

Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**AUTHORITY:** These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.  
Issued: December 20, 2010.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 2010-32411 Filed 12-23-10; 8:45 am]

**BILLING CODE 7020-02-P**

## **INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-617]

### **In the Matter of Certain Digital Television Products and Certain Products Containing Same and Methods Of Using Same; Notice of Commission Determination To Modify a Limited Exclusion Order and Cease-and-Desist Orders**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to modify a limited exclusion order and cease-and-desist orders issued in the above-captioned investigation following the decision of the United States Court of Appeals for the Federal Circuit in *Vizio, Inc. v. U.S. International Trade Commission*, 605 F.3d 1330 (Fed. Cir. 2010).

**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 November 15, 2007, based on a complaint filed by Funai Electric Co., Ltd. of Japan and Funai Corporation of Rutherford, New Jersey (collectively "Funai") against several respondents including Vizio and AmTran. 72 FR 64240 (2007). 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, and the sale within the United States after importation of certain digital television products and certain products containing same by reason of infringement of one or more claims of U.S. Patent Nos. 6,115,074 ("the '074 patent") and 5,329,369.

On April 10, 2009, the Commission terminated this investigation with a finding of violation of Section 337 by reason of infringement of claims 1, 5, and 23 of the '074 patent. 74 FR 17511 (2009). The Commission issued a limited exclusion order prohibiting importation into the United States of certain digital televisions and certain products containing the same within the scope of the investigation that are covered by one or more of claims 1, 5, and 23 of the '074 patent and that are manufactured abroad by or on behalf of, or imported by or on behalf of various respondents in the above referenced investigation, including Vizio, Inc. ("Vizio"); AmTran Technology Co., Ltd. ("AmTran"); Syntax-Brilliant Corporation ("SBC"); Taiwan Kolin Co., Ltd.; Proview International Holdings, Ltd.; Proview Technology (Shenzhen) Co., Ltd.; Proview Technology, Ltd.; TPV Technology, Ltd. ("TPV Technology"); TPV International (USA), Inc. ("TPV USA"); Top Victory Electronics (Taiwan) Co., Ltd. ("Top Victory Electronics"); and Envision Peripherals, Inc. ("Envision"). Cease-and-desist

orders were issued against Vizio, TPV USA, Envision, and SBC.

Respondents Vizio, AmTran, TPV Technology, TPV USA, Top Victory Electronics, and Envision appealed to the United States Court of Appeals for the Federal Circuit ("Federal Circuit"). On May 26, 2010, the Federal Circuit issued a decision reversing certain Commission findings of infringement by so-called "work-around" products and ordering the Commission to take action consistent with its opinion. *See Vizio, Inc. v. Int'l Trade Comm'n*, 605 F.3d 1330 (Fed. Cir. 2010).

Shortly before the Federal Circuit issued its opinion, respondents Vizio and AmTran settled with complainant Funai and moved to rescind the limited exclusion order and cease-and-desist orders with respect to these respondents. On August 9, 2010, the Commission rescinded the limited exclusion order and the cease-and-desist orders with respect to Vizio and AmTran.<sup>1</sup>

The Federal Circuit issued its mandate on October 28, 2010 *sub nom. TPV Technology v. U.S. International Trade Commission*. In accordance with the Federal Circuit's order, the Commission has determined to modify the limited exclusion order and the cease-and-desist orders directed to the activities of TPV USA and Envision.

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 210.76(a)(1) of the Commission's Rules of Practice and Procedure (19 CFR 210.76(a)(1)).

By order of the Commission.

Issued: December 21, 2010.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 2010-32412 Filed 12-23-10; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Settlement Agreement Under the Comprehensive Environmental Response, Compensation and Liability Act and Chapter 11 of the United States Bankruptcy Code

Notice is hereby given that on December 20, 2010, a proposed Settlement Agreement ("Agreement") in *In re Erving Industries, Inc.*, Case No. 09-30623 (Bankr. D. Mass.), was lodged

<sup>1</sup> The Commission has not modified the cease-and-desist order directed to SBC because the findings of infringement by SBC were not appealed and therefore remain intact.

with the United States Bankruptcy Court for the District of Massachusetts. The Agreement was entered into by the United States, on behalf of the United States Environmental Protection Agency ("EPA") and the United States Army Corps of Engineers (the "Corps"), and Erving Industries, Inc. ("Debtor"). The Agreement relates to liabilities of the Debtor under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601 *et seq.* ("CERCLA").

The Agreement provides that the Past Response Cost Claim shall be allowed as an unsecured claim in the amount of \$25,000, and paid as an unsecured claim in accordance with the terms of the Debtor's plan of reorganization.

This Agreement does not preclude: (a) Claims against the Debtor by the United States under Section 107 of CERCLA, 42 U.S.C. 9607, for recovery of response costs incurred after January 15, 2010 with respect to response actions taken at Debtor-Owned Property, the Mill, and/or the Birch Hill Dam Area including such response actions taken to address hazardous substances that have migrated or that may migrate from such Debtor-Owned Property, and/or the Mill, including but not limited to the Birch Hill Dam Area; and (b) Actions against the Debtor by the United States under CERCLA or RCRA seeking to compel the performance of a removal action, remedial action, corrective action, closure or any other cleanup action at Debtor-Owned Property, and/or the Mill, including actions to address hazardous substances that have migrated, or that may migrate, from such Debtor-Owned Property, and/or the Mill, including but not limited to the Birch Hill Dam Area. The Debtor further agrees that such claims are not discharged or impacted in any way by the bankruptcy proceeding or confirmation of plan of reorganization. The United States has available to it all avenues to pursue such enforcement actions, and both parties reserve all defenses and counterclaims, except those provided under the Bankruptcy Code.

Under the Agreement, the Debtor must comply with all obligations under the 2007 Consent Decree entered in *United States v. Baldwinville Products, Inc., et al.* (C.A. No. 4:07-CV-40146) (D. Mass.). These obligations are not effected in any way by this bankruptcy proceeding or confirmation of a plan of reorganization.

Under the Agreement, the United States covenants not to bring civil or administrative actions against the Debtor pursuant to Section 107 of CERCLA relating to Past Response