

**INTERNATIONAL TRADE
COMMISSION**

[Inv. No. 337-TA-565]

**Certain Ink Cartridges and
Components Thereof; Institution of
Consolidated Advisory Opinion and
Modification Proceedings****AGENCY:** U.S. International Trade
Commission.**ACTION:** Notice.**SUMMARY:** Notice is hereby given that
the U.S. International Trade
Commission has instituted consolidated
advisory opinion and modification
proceedings.**FOR FURTHER INFORMATION CONTACT:**

Michael Haldenstein, Office of the
General Counsel, U.S. International
Trade Commission, 500 E Street, SW.,
Washington, DC 20436, telephone (202)
205-3041. Copies of all nonconfidential
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 (<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/](http://edis.usitc.gov/). Hearing-impaired
persons are advised that information on
the matter can be obtained by contacting
the Commission's TDD terminal on 202-
205-1810.

SUPPLEMENTARY INFORMATION: The
Commission instituted the underlying
investigation in this matter on March
23, 2006, based on a complaint filed by
Epson Portland, Inc. of Oregon; Epson
America, Inc. of California; and Seiko
Epson Corporation of Japan (collectively
"Epson"). 71 FR 14720 (March 23, 2006).
The complaint, as amended, alleged
violations of section 337 of the Tariff
Act of 1930 ("section 337") in the
importation into the United States, the
sale for importation, and the sale within
the United States after importation of
certain ink cartridges and components
thereof by reason of infringement of
claim 7 of U.S. Patent No. 5,615,957;
claims 18, 81, 93, 149, 164 and 165 of
U.S. Patent No. 5,622,439; claims 83 and
84 of U.S. Patent No. 5,158,377; claims
19 and 20 of U.S. Patent No. 5,221,148;
claims 29, 31, 34 and 38 of U.S. Patent
No. 5,156,472; claim 1 of U.S. Patent
No. 5,488,401; claims 1-3 and 9 of U.S.
Patent No. 6,502,917; claims 1, 31 and

34 of U.S. Patent No. 6,550,902; claims
1, 10 and 14 of U.S. Patent No.
6,955,422; claim 1 of U.S. Patent No.
7,008,053; and claims 21, 45, 53 and 54
of U.S. Patent No. 7,011,397. The
complaint further alleged that an
industry in the United States exists as
required by subsection (a)(2) of section
337. The complainants requested that
the Commission issue a general
exclusion order and cease and desist
orders. The Commission named as
respondents 24 companies located in
China, Germany, Hong Kong, Korea, and
the United States. Several respondents
were terminated from the investigation
on the basis of settlement agreements or
consent orders or were found in default.

On March 30, 2007, the presiding
administrative law judge (ALJ) issued a
final ID in the investigation finding a
violation of section 337 with respect to
certain respondents. He found the
asserted claims valid and infringed by
certain respondents' products. He
recommended issuance of a general
exclusion order and cease and desist
orders directed to certain respondents
and bond in the amount of \$13.60 per
cartridge during the Presidential review
period.

On October, 19, 2007, after review,
the Commission made its final
determination in the investigation,
finding a violation of section 337. The
Commission issued a general exclusion
order, limited exclusion order, and
cease and desist orders directed to
several domestic respondents. The
Commission also determined that the
public interest factors enumerated in 19
U.S.C. 1337(d), (f), and (g) did not
preclude issuance of the aforementioned
remedial orders, and that the bond
during the Presidential review period
would be \$13.60 per cartridge for
covered ink cartridges.

On December 13, 2010, two
respondents in the underlying
investigation, Ninestar Technology Co.,
Ltd. and Ninestar Technology Company,
Ltd. ("Ninestar U.S.") (collectively,
"Ninestar"), filed a joint request for an
advisory opinion proceeding and a
petition for modification of the general
exclusion order and a cease and desist
order issued by the Commission to
Ninestar U.S. On February 3, 2011,
Epson filed a petition for modification
of the general exclusion order and the
cease and a desist order issued to
Ninestar U.S.

After examining the submissions by
Ninestar and Epson, the Commission
has determined to institute consolidated
advisory opinion and modification
proceedings to determine whether
Ninestar's R-Series ink cartridges
infringe any of the patent claims

included in the general exclusion order
or the cease and desist order issued to
Ninestar U.S. in the investigation and
what, if any, modifications to the
general exclusion order and/or the cease
and desist order issued to Ninestar U.S.
are appropriate.

The Commission has referred the
consolidated proceedings to the Chief
Administrative Law Judge to designate a
presiding administrative law judge. The
following entities are named as parties
to the proceedings: (1) Complainant
Epson; (2) respondents Ninestar
Technology Co., Ltd. and Ninestar U.S.
The Office of Unfair Import
Investigations will not be participating
as a party 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
sections 210.76 and 210.79 of the
Commission's Rules of Practice and
Procedure (19 CFR 210.76, 210.79).

By order of the Commission.

Issued: March 18, 2011.

James R. Holbein,*Acting Secretary to the Commission.*

[FR Doc. 2011-6953 Filed 3-23-11; 8:45 am]

BILLING CODE P**INTERNATIONAL TRADE
COMMISSION**

[Inv. No. 337-TA-767]

**Certain Glassware; Notice of
Investigation****AGENCY:** U.S. International Trade
Commission.**ACTION:** Institution of investigation
pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a
complaint was filed with the U.S.
International Trade Commission on
February 18, 2011, under section 337 of
the Tariff Act of 1930, as amended, 19
U.S.C. 1337, on behalf of Boston Beer
Corporation of Boston, Massachusetts. A
supplement to the complaint was filed
on March 14, 2011. The complaint
alleges violations of section 337 based
upon 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
No. D582,213 ("the '213 patent") and
U.S. Patent No. D569,189 ("the '189
patent"). The complaint further alleges
that an industry in the United States
exists as required by subsection (a)(2) of
section 337.

The complainant requests that the
Commission institute an investigation

and, after the investigation, issue an exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, DC 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 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>.

FOR FURTHER INFORMATION CONTACT: The Office of Dockets Services, U.S. International Trade Commission, telephone (202) 205-1802.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2010).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on March 18, 2011, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain glassware that infringes the claims of the '213 patent and the '189 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Boston Beer Corporation, One Design Center Place, Boston, MA 02210.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

1 Source Signature Glassware, Inc., 81 W. Boston Street, Chandler, AZ 85225.

di Sciacca Co., 81 W. Boston Street, Chandler, AZ 85225.

San Tan Brewing Co., 8 South Marcos Place, Chandler, AZ 85225.

(c) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)-(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: March 18, 2011.

James R. Holbein,

Acting Secretary to the Commission.

[FR Doc. 2011-6959 Filed 3-23-11; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification filed by the parties listed below to modify the application of existing mandatory safety standards published in Title 30 of the Code of Federal Regulations.

DATES: All comments on the petitions must be received by the Office of Standards, Regulations and Variances on or before April 25, 2011.

ADDRESSES: You may submit your comments, identified by the petition's "docket number" on the subject line, using any of the following methods:

1. *Electronic Mail:* zzMSHA-comments@dol.gov. Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 1-202-693-9441.

3. *Regular Mail:* MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939, Attention: April E. Nelson, Acting Director, Office of Standards, Regulations and Variances.

4. *Hand-Delivery or Courier:* MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939, Attention: April E. Nelson, Acting Director, Office of Standards, Regulations and Variances.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments. Individuals who submit comments by hand-delivery are required to check in at the receptionist desk on the 21st floor.

Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations and Variances at 202-693-9447 (Voice), barron.barbara@dol.gov (E-mail), or 202-693-9441 (Telefax). [These are not toll-free numbers].

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary determines that: (1) An alternative method of