

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-769]

In the Matter of Certain Handheld Electronic Computing Devices, Related Software, and Components Thereof; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 21, 2011, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Microsoft Corporation of Redmond, Washington. An amended complaint and additional exhibits were filed on April 8, 2011 and April 12, 2011. The complaint, as amended, 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 handheld electronic computing devices, related software, and components thereof by reason of infringement of certain claims of U.S. Patent No. 5,778,372 (“the ‘372 patent”); U.S. Patent No. 5,889,522 (“the ‘522 patent”); U.S. Patent No. 6,339,780 (“the ‘780 patent”); U.S. Patent No. 6,891,551 (“the ‘551 patent”); and U.S. Patent No. 6,957,233 (“the ‘233 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 a cease and desist order.

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 Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

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 (2011).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on April 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 handheld electronic computing devices, related software, and components thereof that infringe one or more of claims 1 and 5 of the ‘372 patent; claims 1, 2, and 12 of the ‘522 patent; claims 1-6, 9-14, 17-26, and 29-42 of the ‘780 patent; claims 1-3, 5, and 7-11 of the ‘551 patent; claims 21 and 22 of the ‘233 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: Microsoft Corporation, One Microsoft Way, Redmond, WA 98052.

(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: Barnes & Noble, Inc., 122 Fifth Avenue, New York, NY 10011. barnesandnoble.com LLC, 76 9th Avenue, 9th Floor, New York, NY 10011.

Hon Hai Precision Industry Co., Ltd., 2 Zihyou Street, Tucheng City, Taipei County, 236, Taiwan.

Foxconn Electronics, Inc., 2 Zihyou Street, Tucheng City, Taipei County, 236, Taiwan.

Foxconn Precision Component (Shenzhen) Co. Ltd., No. 2, East Ring Road, No. 10 Industrial Zone, Yousong, Longhua, Shenzhen, Guangdong 518109, China.

Foxconn International Holdings Ltd., 8F Peninsula Tower, 538 Castle Peak Road, Cheung Sha Wan Kowloon, New Territories, Hong Kong.

Inventec Corporation, Inventec Building, No. 66 Hou-Kang Street, Shin-Lin District, Taipei County, 111, Taiwan.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(3) 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.

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 therefore 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.

Issued: April 19, 2011.

By order of the Commission.

James R. Holbein,

Acting Secretary to the Commission.

[FR Doc. 2011-9890 Filed 4-22-11; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

Notice is hereby given that on April 19, 2011, a proposed Consent Decree in *United States et al. v. Terra Industries Inc. et al.*, Civ. A. No. 5:11-cv-04038 was lodged with the United States Court for the Northern District of Iowa.

In this action, the United States and Co-Plaintiff States of Iowa, Mississippi