

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-503 (Consolidated Enforcement and Advisory Opinion Proceedings)]

### In the Matter of Certain Automated Mechanical Transmission Systems for Medium-Duty and Heavy-Duty Trucks and Components Thereof; Notice of Commission Decision Not to Review an Enforcement Initial Determination and an Initial Advisory Opinion; Denial of Motion for Clarification of Remedial Order and Posting of Bond

**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 Enforcement Initial Determination ("EID") and Initial Advisory Opinion ("IAO") issued by the presiding administrative law judge ("ALJ") in the above-captioned proceedings. The Commission has also determined to deny the complainant's motion to clarify the Commission's existing cease and desist order and to require retroactive posting of bond.

**FOR FURTHER INFORMATION CONTACT:** Rodney Maze, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3065. 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 (<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:** This section 337 investigation was instituted by the Commission on January 7, 2004, based on a complaint filed by Eaton Corporation ("Eaton") of Cleveland, Ohio. 69 FR 937 (January 7, 2004). The complaint, as supplemented, 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 automated mechanical transmission systems ("AMTS") for medium-duty and heavy-duty trucks, and components thereof, by reason of infringement of claim 15 of U.S. Patent No. 4,899,279 ("the '279 patent"); claims 1-20 of U.S. Patent No. 5,335,566 ("the '566 patent"); claims 2-4 and 6-16 of U.S. Patent No. 5,272,939; claims 1-13 of U.S. Patent No. 5,624,350; claims 1, 3, 4, 6-9, 11, 13, 14, 16 and 17 of U.S. Patent No. 6,149,545 ("the '545 patent"); and claims 1-16 of U.S. Patent No. 6,066,071.

The complaint and notice of investigation named three respondents ZF Meritor, LLC of Maxton, North Carolina, ZF Friedrichshafen AG ("ZFAG") of Friedrichshafen, Germany, and ArvinMeritor, Inc. ("ArvinMeritor") of Troy, Michigan. Claim 15 of the '279 patent, claim 4 of the '566 patent, and claims 1, 3, 6, 7, 11, 13, 16, and 17 of the '545 patent remained at issue when the ALJ issued his final ID.

On January 7, 2005, the ALJ issued his final ID on violation and his recommended determination on remedy. The ALJ found a violation of section 337 by reason of infringement of claim 15 of the '279 patent by respondents. He did not find a violation based on infringement of the asserted claims of the remaining '545 and '566 patents. Petitions for review were filed by Eaton, the respondents, and the Commission investigative attorney ("IA") on January 21, 2005. All the parties filed responses to the petitions on January 28, 2005.

On February 24, 2005, the Commission determined not to review the ALJ's final ID on violation, thereby finding a violation of section 337. 70 FR 10112 (March 2, 2005). On April 7, 2005, the Commission issued a limited exclusion order and a cease and desist order covering AMTS for medium-duty and heavy-duty trucks, and components thereof that infringe claim 15 of the '279 patent. 70 FR 19094 (April 13, 2005).

On April 21, 2005, the respondents filed a request for advisory opinion proceedings concerning a redesigned AMTS which respondents assert does not fall within the scope of the Commission's remedial orders. Eaton filed a complaint for enforcement proceedings on May 11, 2005, naming ZFAG and ArvinMeritor as respondents. On June 6, 2005, the Commission issued a notice that it had determined to institute consolidated formal enforcement and advisory opinion proceedings.

On August 19, 2005, Eaton filed a motion requesting that the Commission

issue an order clarifying that the existing cease and desist order bars the respondents from importing their redesigned AMTS during the pendency of the above-captioned proceedings. The same motion requested that the Commission require the respondents to post a bond for the redesigned AMTS that it imported during the period of Presidential review, see 19 U.S.C. § 1337(j).

On August 31, 2005, the respondents and the IA filed oppositions to Eaton's motion.

On January 10, 2006, the presiding ALJ issued an EID and IAO finding that the respondents' redesigned AMTS do not infringe claim 15 of the '279 patent and therefore do not fall within the Commission's remedial orders. No petitions for review of the EID or IAO were filed. The Commission has determined not to review the EID or IAO. The Commission has also determined to deny Eaton's motion regarding the existing cease and desist order and posting of bond because it has found that the redesigned AMTS are not covered by the remedial orders issued 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 §§ 210.75 and 210.79 of the Commission's Rules of Practice and Procedure (19 CFR 210.75 and 210.79).

By order of the Commission.

Issued: March 27, 2006.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E6-4733 Filed 3-30-06; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. NAFTA-103-014]

### Probable Effect of Certain Modifications to the North American Free Trade Agreement Rules of Origin

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of investigation and opportunity to file written submissions.

**DATES:** Effective Date: March 24, 2006.

**SUMMARY:** Following receipt of a request on March 20, 2006, from United States Trade Representative (USTR) under authority delegated by the President and pursuant to section 103 of the North American Free Trade Agreement (NAFTA) Implementation Act (19 U.S.C. 3313), the Commission instituted investigation No. NAFTA-103-014,

Probable Effect of Certain Modifications to the North American Free Trade Agreement Rules of Origin.

**Background:** According to the USTR's letter, U.S. negotiators have recently reached agreement in principle with representatives of the governments of Canada and Mexico on proposed modifications to Annexes 401 and 403 of the NAFTA. Chapter 4 and Annexes 401 and 403 of the NAFTA set forth in the rules of origin for applying the tariff provisions of the NAFTA to trade in goods. Section 202(q) of the NAFTA Implementation Act (the Act) authorizes the President, subject to the consultation and layover requirements of section 103 of the Act, to proclaim such modifications to the rules as may from time to time be agreed to by the NAFTA countries. One of the requirements set out in section 103 of the Act is that the President obtain advice from the United States International Trade Commission.

The USTR has requested that the Commission provide advice on the probable effect on U.S. trade under the NAFTA and on domestic industries as a result of proposed modifications to the rules of origin in NAFTA Annexes 401 and 403 for a number of products. A complete listing of the products and the proposed modifications is available from the Office of the Secretary to the Commission or by accessing the electronic version of this notice at the Commission's Internet site (<http://www.usitc.gov>). The current U.S. rules of origin can be found in General Note 12 of the 2005 Harmonized Tariff Schedule of the United States (see "General Notes" link at [http://hotdocs.usitc.gov/tariff\\_chapters\\_current/toc.html](http://hotdocs.usitc.gov/tariff_chapters_current/toc.html)). As requested, the Commission will forward its advice to the USTR by August 14, 2006.

**FOR FURTHER INFORMATION CONTACT:** Project Leader, Edmund Cappuccilli (202-205-3368 or [edmund.cappuccilli@usitc.gov](mailto:edmund.cappuccilli@usitc.gov)) or Deputy Project Leader, Vincent Honnold (202-205-3314 or [vincent.honnold@usitc.gov](mailto:vincent.honnold@usitc.gov)). The above persons are in the Commission's Office of Industries. For more information on the legal aspects of the investigation, contact William Gearhart of the Commission's Office of the General Counsel (202-205-3091 or [william.gearhart@usitc.gov](mailto:william.gearhart@usitc.gov)). The media should contact Margaret O'Laughlin, Office of External Relations at 202-205-1819 or [margaret.olaughlin@usitc.gov](mailto:margaret.olaughlin@usitc.gov).

**Written Submissions:** In lieu of a public hearing, interested parties are invited to submit written statements

concerning any economic effect of the modifications. Submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436. To be assured of consideration by the Commission, written statements should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on June 2, 2006. All written submissions must conform with the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8). Section 201.8 of the rules requires that a signed original (or copy designated as an original) and fourteen (14) copies of each document be filed. In the event that confidential treatment of the document is requested, at least four (4) additional copies must be filed, from which the confidential business information must be deleted (see the following paragraph for further information regarding confidential business information). The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, [ftp://ftp.usitc.gov/pub/reports/electronic\\_filing\\_handbook.pdf](ftp://ftp.usitc.gov/pub/reports/electronic_filing_handbook.pdf)). Persons with questions regarding electronic filing should contact the Secretary (202-205-2000 or [edis@usitc.gov](mailto:edis@usitc.gov)).

Any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the "confidential" or "nonconfidential" version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available in the Office of the Secretary to the Commission for inspection by interested parties.

The Commission may include some or all of the confidential business information submitted in the course of this investigation in the report it sends to the USTR and the President. As requested by the USTR, the Commission will publish a public version of the report. However, in the public version, the Commission will not publish confidential business information in a manner that would reveal the operations of the firm supplying the information.

The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing impaired individuals may obtain information on this matter 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.

By order of the Commission

Issued: March 27, 2006.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

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**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

### Notice of Update to the Electronic Document Information System (EDIS)

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice of Update to the Electronic Document Information System (EDIS).

**SUMMARY:** The United States International Trade Commission hereby provides notice of an update to the Commission's Electronic Document Information System (EDIS). The update to EDIS includes an enhanced interface for the filing of electronic documents and a revised Handbook on Electronic Filing Procedures.

**FOR FURTHER INFORMATION CONTACT:** Marilyn R. Abbott (202-205-2000), Secretary to the Commission, or Brian V. Moran (202-205-2784), Director, Office of Information Technology Services, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal at 202-205-1810. Persons with mobility impairments who require special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. For additional information concerning electronic filing and the Commission in general, please visit the Commission's Web site at <http://www.usitc.gov>.

**SUPPLEMENTARY INFORMATION:** A copy of the revised Handbook on Electronic Filing Procedures is accessible at <http://www.usitc.gov>. Persons with questions regarding the use, procedures, and requirements regarding electronic filing may also contact the EDIS Help