

**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.*

[FR Doc. 2014-25551 Filed 10-27-14; 8:45 am]

**BILLING CODE 7020-02-P**

## 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

seq. The United States' complaint names 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, as defendants. The complaint requests recovery of costs that the United States incurred responding to releases and the threat of releases of hazardous substances at and from the New York Mine Complex Site, the Ajax and Magnolia Mines Site, and the Independence Mine Group Site (also known as the Cougar Mine Site or Cougar Complex Site) in northeastern Oregon (collectively the "Historic Oregon Sites"). All of the defendants signed the Consent Decree. The defendants agreed to pay a total of \$1,200,000.00 of the United States' response costs. In return, the United States agrees not to sue the defendants under sections 106, 107, and 113 of CERCLA with regard to the Historic Oregon Sites.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *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, D.J. Ref. No. 90-11-3-10258/1.

All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	pubcomment-ees.enrd@usdoj.gov.
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$4.75 (25 cents per page reproduction cost) payable to the United States Treasury.

**Susan M. Akers,**  
*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*  
[FR Doc. 2014-25566 Filed 10-27-14; 8:45 am]  
**BILLING CODE 4410-15-P**

**DEPARTMENT OF JUSTICE**

**Foreign Claims Settlement Commission**

**[F.C.S.C. Meeting and Hearing Notice No. 10-14]**

**Sunshine Act Meeting**

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR part 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows:

Thursday, November 6, 2014: 10:00 a.m.—Oral hearing on Objection to Commission's Proposed Decision in Claim No. IRQ-I-026; 10:45 a.m.—Issuance of Proposed Decisions in claims against Libya.

*Status:* Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002, Washington, DC 20579. Telephone: (202) 616-6975.

**Brian M. Simkin,**  
*Chief Counsel.*  
[FR Doc. 2014-25677 Filed 10-24-14; 11:15 am]  
**BILLING CODE 4410-BA-P**

**DEPARTMENT OF LABOR**

**Office of the Secretary**

**Request for Comments on Labor Capacity-Building Efforts Under the Dominican Republic-Central America-United States Free Trade Agreement**

**AGENCIES:** Bureau of International Labor Affairs, U.S. Department of Labor and Office of the United States Trade Representative.

**ACTION:** Request for comments from the public.

**SUMMARY:** This notice is a request for comments from the public to assist the

Secretary of Labor and the United States Trade Representative in preparing a report on labor capacity-building efforts under Chapter 16 ("the Labor Chapter") and Annex 16.5 of the Dominican Republic-Central America-United States Free Trade Agreement ("CAFTA-DR"). Comments are also welcomed on efforts made by the CAFTA-DR countries to implement the labor obligations under the Labor Chapter and the recommendations contained in a paper entitled, "The Labor Dimension in Central America and the Dominican Republic—Building on Progress: Strengthening Compliance and Enhancing Capacity" (the "White Paper"). This report is required under the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (CAFTA-DR Implementation Act). The reporting function and the responsibility for soliciting public comments required under this Act were assigned to the Secretary of Labor in consultation with the United States Trade Representative (USTR).

**DATES:** Written comments are due no later than 5 p.m. (EDT) November 10, 2014.

**ADDRESSES:** Public comments should be submitted electronically to [www.regulations.gov](http://www.regulations.gov), the Federal e-rulemaking portal, docket number DOL 2014-0005. Comments may also be submitted by mail to: Mr. James Rude, Office of Trade and Labor Affairs, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Room S-5303, Washington, DC 20210. Comments that are mailed must be received by the date indicated for consideration. Also, please note that due to security concerns, postal delivery in Washington, DC may be delayed. Therefore, in order to ensure that comments receive full consideration, the Department encourages the public to submit comments via the internet as indicated above. Please submit only one copy of your comments by only one method. Also, please be advised that comments received will become a matter of public record and will be posted without change to <http://www.regulations.gov>, including any personal information provided. The Department cautions commenters not to include personal information, such as Social Security Numbers, personal addresses, telephone numbers, and email addresses in their comments as such information will become viewable by the public on the <http://www.regulations.gov> Web site. It is each commenter's responsibility to safeguard