

article descriptions in Category VI petitions, including the constituent materials in the intended merchandise or similar information that would help verify the classification of the goods in chapters 1–97 of the HTS. Similarly, the Commission seeks information that could clarify technical criteria, distinguish the intended merchandise in a petition from other goods in the same rate line, or narrow the scope of an article description to avoid covering domestically produced goods.

#### Procedures for Filing a Comment

*Who may file.* Comments may be filed by any member of the public, including the firm or its representative who filed the petition. However, the Commission will consider only comments that relate to petitions listed under category VI in the Commission's preliminary report submitted to the Committees on June 9, 2017. The Commission will not consider comments that relate to petitions listed under categories I, II, III, IV, and V in the preliminary report.

*Method for filing.* Comments may only be filed electronically via the Commission's designated secure MTBPS web portal and in the format designated by the Commission in that portal. The portal may be accessed through the Commission's Web site at <https://usitc.gov> under "Miscellaneous Tariff Bill Information." The portal contains a series of prompts and links that will assist persons in providing the required information. The Commission will not accept or consider comments submitted in paper or in any other form or format. Comments must contain all information required in the portal in order to be considered properly filed. Comments, including any attachments thereto, must otherwise comply with the Commission's rules and Handbook on MTB Filing Procedures. Persons seeking to comment on more than one petition must submit a separate comment for each petition.

Persons filing comments should be aware that they must be prepared to complete their entire comment when they enter the portal. The portal will not allow them to edit, amend, or complete the comment at a later time. Accordingly, they will need to complete their comment at the time they enter the portal.

*Time for filing.* To be considered, comments must be filed no earlier than June 12, 2017 at 8:45 a.m. and no later than the close of business (5:15 p.m. EST) on June 21, 2017. The Commission will not accept comments filed before or after these times and dates.

*Amendment and withdrawal of comments.* The Commission's secure

web portal will not allow a person who has formally submitted a comment during this filing period to amend that comment. Instead, that person must withdraw the original comment and file a new comment that incorporates the changes. The new comment must be filed before 5:15 p.m. EST on June 21, 2017. Comments may not be withdrawn or amended after that time.

*Comments containing confidential business information.* The portal will permit persons submitting comments to claim that certain information should be treated either as confidential business information or as information protected from disclosure under the Privacy Act (e.g., a home address). However, because of the portal's design, the portal instructs that such information not be included in attachments to comments. Persons who include confidential business information and information protected under the Privacy Act in attachments to their comments will be presumed to have waived any privilege and the information will be disclosed to the public when the comments and attachments are posted on the Commission's Web site. See further information below on possible disclosure of confidential business information.

*Confidential Business Information:* The Commission will not release information which the Commission considers to be confidential business information within the meaning of § 201.6(a) of its Rules of Practice and Procedure (19 CFR 201.6) unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the Commission, or such party subsequently consents to the release of the information.

Confidential business information submitted to the Commission in comments may be disclosed to and/or used by (1) the Commission in calculating the estimated revenue loss required under the Act, which may be based in whole or in part on the estimated values of imports submitted in comments (as well as by petitioners in their petitions); (2) the Commission, its employees, and contract personnel (a) in processing petitions and comments and preparing reports under the American Manufacturing Competitiveness Act of 2016 or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; (3) Commerce for use in preparing its report to the Commission and the Committees, and

the U.S. Department of Agriculture and CBP for use in providing information for that report; or (4) U.S. government employees and contract personnel, solely for cybersecurity purposes, subject to the requirement that all contract personnel will sign appropriate nondisclosure agreements.

By order of the Commission.

Issued: May 19, 2017.

**Lisa R. Barton,**

*Secretary of the Commission.*

[FR Doc. 2017–10667 Filed 5–24–17; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–972]

### **Certain Automated Teller Machines, ATM Modules, Components Thereof, and Products Containing the Same; Final Determination Finding a Violation of Section 337; Issuance of a Limited Exclusion Order and Cease and Desist Orders; Termination of the Investigation**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 in this investigation and has issued a limited exclusion order and cease and desist orders prohibiting importation of infringing automated teller machines ("ATMs"), ATM modules, components thereof, and products containing the same.

**FOR FURTHER INFORMATION CONTACT:** Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–708–2532. 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 (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://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 20, 2015, based on a complaint filed by Diebold Incorporated and Diebold Self-Service Systems (collectively, “Diebold”). 80 FR 72735–36 (Nov. 20, 2015). 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 automated teller machines, ATM modules, components thereof, and products containing the same by reason of infringement of certain claims of six United States Patents: 7,121,461 (“the ‘461 patent”); 7,249,761 (“the ‘761 patent”); 7,314,163 (“the ‘163 patent”); 6,082,616 (“the ‘616 patent”); 7,229,010 (“the ‘010 patent”); and 7,832,631 (“the ‘631 patent”). *Id.* The notice of investigation named as respondents Nautilus Hyosung Inc. of Seoul, Republic of Korea; Nautilus Hyosung America Inc. of Irving, Texas; and HS Global, Inc. of Brea, California (collectively, “Nautilus”). *Id.* at 72736. The Office of Unfair Import Investigations was not named as a party. *Id.*

The ‘461 patent, ‘761 patent, and ‘163 patent were previously terminated from the investigation. *See* Order No. 12 (Apr. 28, 2016), *not reviewed*, Notice (May 11, 2016); Order No. 21 (June 28, 2016), *not reviewed*, Notice (July 28, 2016). The presiding administrative law judge (“ALJ”) conducted an evidentiary hearing from August 29, 2016 through September 1, 2016. On November 30, 2016, the ALJ issued the final Initial Determination (“final ID” or “ID”). The final ID found a violation of section 337 with respect to the ‘616 and ‘631 patents, and no violation with respect to the ‘010 patent. *Id.* at 207–09. The ALJ recommended that a limited exclusion order and cease and desist orders issue against Nautilus.

Diebold and Nautilus each filed petitions for review concerning certain findings with respect to the ‘616 and ‘631 patents. On December 30, 2016, the parties submitted statements on the public interest. Diebold contends that the investigation does not raise any public interest concerns. Nautilus asserts that a Commission exclusion order should include a certification provision and that any Commission remedial orders be tailored to allow repair of existing Nautilus ATMs in the United States. In addition, the Commission received submissions from United States Representative James B. Renacci, United States Senator Sherrod Brown, and certain Nautilus customers.

On January 30, 2017, the Commission determined to review and modify two claim constructions for the ‘616 patent. Notice at 2–3 (Jan. 30, 2017). The Commission’s reasoning in support of its claim construction determinations for the ‘616 patent was set forth more fully in the Commission Claim Construction Opinion, which also issued on January 30, 2017. In view of the Commission’s determination to review and modify the construction of these two claim limitations, the Commission also determined to review for the asserted claims of the ‘616 patent: (1) Infringement; (2) obviousness in view of Diebold’s 1064i ATM; and (3) the technical prong of the domestic industry requirement. *Id.* at 3. The Commission solicited further briefing from the parties on these issues, and briefing from the parties and the public on remedy, the public interest, and bonding. *Id.* at 4. The Commission determined not to review the final ID’s finding of a section 337 violation as to the ‘631 patent. *Id.* at 2.

On February 10, 2017, Diebold and Nautilus filed their opening submissions on the issues under review and on remedy, the public interest, and bonding. On February 17, 2017, Diebold and Nautilus filed responses to each other’s opening submission. Nautilus also submitted letters to the Commission concerning the public interest from Nautilus’s customers.

Having reviewed the record of investigation, the Commission has determined that there is a violation of section 337 by reason of the infringement of claims 1, 6, 10, 16, 26, and 27 of the ‘616 patent and claims 1–7 and 18–20 of the ‘631 patent. The Commission has further determined that the technical prong of the domestic industry requirement has been met as to the ‘616 patent. To the extent that Nautilus’s arguments concerning obviousness of the asserted claims of the ‘616 patent in view of the Diebold 1064i ATM have not been waived, the Commission finds that Nautilus has failed to meet its burden to show invalidity by clear and convincing evidence.

The Commission has further determined that the appropriate remedy is (1) a limited exclusion order prohibiting the entry of infringing automated teller machines, ATM modules, components thereof, and products containing the same, and (2) cease and desist orders directed to the respondents. The Commission has determined that the public interest factors enumerated in section 337(d) and (f), 19 U.S.C. 1337(d), (f), do not preclude the issuance of the limited

exclusion order or the cease and desist orders. The Commission has determined that a bond in the amount of 100 percent of the entered value of the subject articles is required during the period of Presidential review. 19 U.S.C. 1337(j)(3). Notwithstanding the foregoing, the exclusion order and cease and desist orders permit Nautilus to import replacement parts for its customers who need such parts to repair automated teller machines that have been imported prior to the date of the orders. Commissioner Kieff has provided additional views dissenting from the Commission’s exception from the remedial orders regarding replacement parts for service or repair. The orders do not permit Nautilus to import infringing ATMs (as opposed to replacement parts) for any purpose, including repair or replacement.

The investigation is terminated. The Commission’s reasoning in support of its determinations is set forth more fully in its opinion. The Commission’s orders and opinion were delivered to the President and the United States Trade Representative on the day of their issuance.

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 Part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: May 19, 2017.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2017–10709 Filed 5–24–17; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 731–TA–1063–1064 and 1066–1068 (Second Review)]**

### **Frozen Warmwater Shrimp From Brazil, China, India, Thailand, and Vietnam; Determinations**

On the basis of the record<sup>1</sup> developed in the subject five-year reviews, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the antidumping duty orders on frozen warmwater shrimp from China, India, Thailand, and Vietnam would be likely to lead to continuation or recurrence of

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).