

On November 13, 2018, Respondents petitioned the Commission to rescind the remedial orders based on the Federal Circuit ruling that the asserted claims are invalid. On November 23, 2018, Complainants opposed the petition, and argued that the Commission should instead reopen the record for further evidence on indefiniteness.

Also on November 13, 2018, Complainants moved to reopen the record for the limited purpose of admitting evidence relating to indefiniteness. On November 23, 2018, Respondents opposed the motion, arguing that the Federal Circuit invalidity ruling is binding on the Commission. Respondents also argued Complainants should have to show cause why they should not be sanctioned for a frivolous filing. On November 29, 2018, Complainants moved for leave to file a reply in support of their motion.

Having considered the petition and response, the Commission has determined to institute a rescission proceeding, and finds that the Federal Circuit's ruling that the asserted claims are invalid is a changed circumstance that warrants rescinding the remedial orders. The Commission therefore has determined to rescind the remedial orders.

In light of the Commission's determination to rescind the remedial orders, the Commission has also determined to deny as moot Complainants' motion to reopen the record. The Commission also denies Respondents' request for sanctions, and denies Complainants' motion for leave to file a reply. The rescission proceeding is hereby terminated.

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: December 11, 2018.

Lisa Barton,

Secretary to the Commission.

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DEPARTMENT OF JUSTICE

[OMB Number 1105-0030]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of and Renewal of Previously Approved Collection; Comments Requested; Electronic Applications for the Attorney General's Honors Program and the Summer Law Intern Program

AGENCY: Office of Attorney Recruitment and Management, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Justice Management Division, Office of Attorney Recruitment and Management (OARM), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until February 15, 2019.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Deana Willis, Assistant Director, Office of Attorney Recruitment and Management, 450 5th Street NW, Suite 10200, Washington, DC 20530; Deana.Willis@usdoj.gov; (202) 514-8902.

SUPPLEMENTARY INFORMATION: Written comments and/or suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Office of Attorney Recruitment and Management, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Evaluate whether, and if so, how, the quality, utility, and clarity of the information to be collected can be enhanced; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the

use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this Information Collection

1. Type of information collection: Revision and Renewal of a Currently Approved Collection.

2. The title of the form/collection: Electronic Applications for the Attorney General's Honors Program and Summer Law Intern Program.

3. The agency form number, if any, and the applicable component of the department sponsoring the collection: There is no agency form number for this collection. The applicable component within the Department of Justice is the Office of Attorney Recruitment and Management, Justice Management Division, U.S. Department of Justice.

4. Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or households. Other: None. The application form is submitted voluntarily, once a year, by law students and recent law school graduates (e.g., judicial law clerks) who will be in this applicant pool only once.

5. An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply: It is estimated that 3500 respondents will complete the application in approximately 1 hour per application. It is further estimated that it takes an average of an additional 45 minutes to review the instructions, search existing data sources, gather the data needed, and complete and review the application. In addition, an estimated 600 respondents (Honors Program candidates selected for interviews) will complete a Travel Survey used to schedule interviews and prepare official travel authorizations prior to the interviewees' performing pre-employment interview travel (as defined by 41 CFR Sec. 301-1.3), as needed, in approximately 10 minutes per form, plus an estimated 400 respondents who will complete a Reimbursement Form (if applicable) in order for the Department to prepare the travel vouchers required to reimburse candidates for authorized costs they incurred during pre-employment interview travel at approximately 10 minutes per form.

6. An estimate of the total public burden (in hours) associated with the collection: The estimated revised total annual public burden associated with this application is 6292 hours.

If additional information is required, please contact: Melody Braswell, Department Clearance Officer, U.S. Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Room 3E.405B, Washington, DC 20530.

Dated: December 11, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

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DEPARTMENT OF JUSTICE

[CPCLO Order No. 007-2018]

Privacy Act of 1974; System of Records

AGENCY: United States Department of Justice, Federal Bureau of Investigation.

ACTION: Notice of a Modified System of Records.

SUMMARY: Pursuant to the Privacy Act of 1974 and Office of Management and Budget (OMB) Circular No. A-108, notice is hereby given that the Federal Bureau of Investigation (FBI), a component within the United States Department of Justice (DOJ), proposes to modify a system of records titled "Law Enforcement National Data Exchange" (N-DEX), JUSTICE/FBI-020, as to which notice was last published in the **Federal Register** on October 4, 2007 (Notice). The N-DEX System is a scalable information-sharing network that provides the capability for local, state, tribal, territorial, regional, federal, and foreign criminal justice agencies to make potential linkages between criminal justice incidents, investigations, arrests, bookings, incarcerations, parole and/or probation information, and criminal intelligence information, in order to help solve, deter, and prevent crimes, and, in the process, to enhance national security. **DATES:** In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is applicable upon publication, subject to a 30-day period in which to comment on the routine uses, described below. Please submit any comments by January 16, 2019.

ADDRESSES: The public, OMB, and Congress are invited to submit any comments: by mail to DOJ, Office of Privacy and Civil Liberties, ATTN: Privacy Analyst, National Place Building, 1331 Pennsylvania Ave. NW, Suite 1000, Washington, DC 20530-0001; by facsimile at 202-307-0693; or by email at privacy.compliance@

usdoj.gov. To ensure proper handling, please reference the above CPCLO Order No. on your correspondence.

FOR FURTHER INFORMATION CONTACT: Katherine Bond, Assistant General Counsel, Privacy and Civil Liberties Unit, Office of the General Counsel, FBI, 935 Pennsylvania Avenue NW, Washington, DC 20535-0001; telephone 202-324-3000.

SUPPLEMENTARY INFORMATION: The FBI has revised this system of records to update the purpose and uses of the system, the type of information maintained by the system, the sources of information, and the retrieval capabilities of information from the system.

The FBI is modifying the name of this system of records from "Law Enforcement National Data Exchange" to "National Data Exchange System" (N-DEX System). This name change reflects a previously implemented FBI policy decision to remove "law enforcement" from the title of the system to reflect more accurately the use of the N-DEX System by all criminal justice agencies. Similarly, to provide greater transparency on the use of the system of records, the term "law enforcement" within the existing notice is being changed to "criminal justice" generally. "Administration of criminal justice," as defined by federal regulation, encompasses the performance of a broader array of activities than those performed only by sworn law enforcement officers, and include probation/parole, correctional supervision, prosecution, and rehabilitation of accused persons or criminal offenders. Criminal justice agencies also include courts and government agencies performing the administration of criminal justice functions. See 28 CFR 20.3(b) and (g).

Despite changes to the system as described in this notice, the FBI continues to assert, and is not changing the Privacy Act exemptions for the system promulgated by Final Rule at 73 FR 9947 (Feb. 25, 2008). As stated in that Final Rule, these Privacy Act exemptions apply only to the extent that information in the system is within the scope of 5 U.S.C. 552a(j)(2), and to the extent it is, the rationale for asserting the exemptions has not changed. Although the name of this system of records is changing slightly pursuant to this Notice, the exemptions as stated in 73 FR 9947 (Feb. 25, 2008) under the prior name of this system continue to apply under the new name. When changes to the exemptions for this system become necessary, FBI will at that time indicate as part of the rule

change that the name of the system has changed slightly.

The FBI is also updating the purpose and routine uses of the Notice to reflect the expanded purpose of the N-DEX System to provide records to criminal justice agencies for criminal justice employment background checks; firearms, explosive, and associated license/permit-related background checks; and security risk assessments conducted on individuals seeking access to select biological agents or toxins pursuant to 42 U.S.C. 262a and 42 CFR 73.10. In addition, the updated purpose reflects the use of the N-DEX System for federal suitability and fitness determinations as contemplated in Executive Order 13467, as amended by Executive Order 13764. These expanded uses of the N-DEX System promote public safety by ensuring that a prospective employee's involvement in the criminal justice system is known before a criminal justice employee or federal employee is hired. Likewise, expanding the use of the N-DEX System for firearm, explosive, and associated license/permit-related checks and security risk assessments provides access to additional criminal justice information relevant to determining if a potential purchaser is prohibited by state or federal law from receiving a firearm, explosive, or associated permit or if an applicant is legally restricted from accessing select biological agents or toxins. For consolidation purposes, the routine uses applicable to the N-DEX System under the FBI's Blanket Routine Uses (FBI-BRU, 66 FR 33558 (June 22, 2001), as amended by 70 FR 7513, 517 (Feb. 14, 2005) and 82 FR 24147 (May 25, 2017)), are also being included in the routine use portion of this notice.

Additional changes are being made to this Notice to provide greater clarity about the information contained in the N-DEX System and the types of information that can be retrieved for criminal justice purposes by the N-DEX System. Expanding the N-DEX System to include records retrieved via a federated search of additional criminal justice information and criminal intelligence databases increases criminal justice agencies' access to information necessary for them to perform their legally authorized, required functions.

In accordance with 5 U.S.C. 552a(r), the DOJ has provided a report to OMB and the Congress on this revised system of records.