

Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-5468. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov). General information concerning the Commission may also be obtained by accessing its internet server at <https://www.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:** On September 9, 2014, the Commission instituted an investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337") based on a complaint filed by complainants Adrian Rivera and Adrian Rivera Maynez Enterprises, Inc. (together, "ARM") alleging a violation of section 337 by reason of infringement of claims 5-8 and 18-20 of U.S. Patent No. 8,720,320 ("the '320 patent"). 79 FR 53445-46 (Sept. 9, 2014). The notice of institution of the investigation named the following entities as respondents: Solofill, Inc. ("Solofill"); DongGuan Hai Rui Precision Mould Co., Inc. ("DongGuan"); Eko Brands, Inc. ("Eko Brands"); Evermuch Technology Co., Ltd. ("Evermuch Technology"); Evermuch Company Ltd. ("Evermuch Company"); Melitta USA, Inc. ("Melitta"); Spark Innovators Corp. ("Spark"); LBP Manufacturing Inc. and LBP Packaging (Shenzhen) Co. Ltd. (together, "LBP"); B. Marlboros International Ltd. (HK) ("B. Marlboros"); and Amazon.com, Inc. ("Amazon"). 79 FR 53445. The Office of Unfair Import Investigations was also named as a party to the investigation. *Id.*

The Commission terminated the investigation with respect to Melitta, Spark, LBP, and B. Marlboros based on the entry of consent orders and terminated the investigation with respect to Amazon based on a settlement agreement. Order No. 10 (Nov. 19, 2014), *unreviewed by* Notice (Dec. 18, 2014); Order No. 12 (Dec. 16, 2014), *unreviewed by* Notice (Jan. 13, 2015); Order No. 14 (Feb. 26, 2015), *unreviewed by* Notice (Mar. 27, 2015); Order No. 16 (Mar. 18, 2015), *unreviewed by* Notice (Apr. 13, 2015). The Commission also found Eko Brands, Evermuch Technology, and Evermuch Company in default for failing to respond to the complaint and notice of investigation. Order No. 19 (Apr. 22, 2015), *unreviewed by* Notice (May 18,

2015). ARM later withdrew its allegations with respect to claims 8 and 19 of the '320 patent. *See* Order No. 18 (Mar. 24, 2015), *unreviewed by* Notice (Apr. 21, 2015). Accordingly, the only allegations remaining against active respondents were that Solofill and DongGuan violated section 337 with respect to claims 5-7, 18, and 20 of the '320 patent.

On March 17, 2016, the Commission issued a final determination of no violation by Solofill and DongGuan based on its finding that claims 5-7, 18, and 20 of the '320 patent are invalid. 81 FR 15742-43 (Mar. 24, 2016). The Commission, however, found that ARM satisfied the requirements of section 337(g)(1) (19 U.S.C. 1337(g)(1)) with respect to Eko Brands, Evermuch Technology, and Evermuch Company regarding claims 8 and 19 of the '320 patent, and issued an LEO and three CDOs against those entities based on those patent claims. *Id.* Espresso Supply, Inc. purchased Eko Brands in November of 2015 and became subject to the orders against Eko Brands.

On June 14, 2018, in litigation between Eko Brands and ARM, the U.S. District Court for the Western District of Washington entered an order finding that claims 5, 8, and 18-19 of the '320 patent are invalid as obvious. *Eko Brands, LLC v. Adrian Rivera Maynez Enterprises, Inc.*, Case No. 2:15-cv-00522-JPD, 2018 WL 2984691 (W.D. Was. Jun. 14, 2018). On July 30, 2018, the Commission temporarily rescinded the LEO and CDOs regarding claims 8 and 19 pending the resolution of any appeal of the district court decision. 83 FR 38178-79 (Aug. 3, 2018). The U.S. Court of Appeals for the Federal Circuit affirmed the district court findings of invalidity of claims 5, 8, and 18-19 of the '320 patent on January 13, 2020, and issued its mandate on February 19, 2020. *Eko Brands, LLC v. Adrian Rivera Maynez Enterprises, Inc.*, 946 F.3d 1367 (Fed. Cir. 2020).

On July 26, 2022, Eko Brands and Espresso Supply, Inc. filed an unopposed petition pursuant to Commission Rule 210.76(a) (19 CFR 210.76(a)) to permanently rescind the LEO and CDO issued against them. They state that, as claims 8 and 19 of the '320 patent have been found invalid by the Federal Circuit and the time for further appeal has passed, the Commission should permanently rescind the LEO and CDO. No party responded to the petition.

Having reviewed the petition seeking to rescind the LEO and CDO based on a subsequent finding that claims 8 and 19 of the '320 patent are invalid, the Commission finds that the conditions

which led to the issuance of the LEO and CDO no longer exist, and therefore, granting the petition to rescind is warranted under section 337(k) (19 U.S.C. 1337(k)) and the requirements of Commission Rule 210.76(a) are satisfied. The Commission issued the orders under the presumption that those claims were valid (35 U.S.C. 282), which is a condition that no longer exists in light of the district court and Federal Circuit rulings. That changed condition also applies with respect to Evermuch Technology and Evermuch Company. Accordingly, the Commission has determined to institute a rescission proceeding, and to rescind the LEO and three CDOs issued against Eko Brands, Evermuch Technology, and Evermuch Company. The rescission proceeding is terminated.

The Commission vote for this determination took place on August 25, 2022.

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: August 25, 2022.

**Katherine Hiner,**

*Acting Secretary to the Commission.*

[FR Doc. 2022-18752 Filed 8-30-22; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140-0011]

#### Agency Information Collection Activities; Proposed eCollection of eComments Requested; Application To Make and Register a Firearm—ATF Form 1 (5320.1)

**AGENCY:** Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

**ACTION:** 30-Day notice.

**SUMMARY:** The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ) will submit 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. The proposed information collection (IC) OMB 1140-0011 (Application to Make and Register a Firearm—ATF Form 1 (5320.1)) is being revised to

include changes due to the formatting changes, additional definitions, updates to the instructions, and other minor adjustments due to the Bipartisan Safer Communities Act. The proposed IC is also being published to obtain comments from the public and affected agencies.

**DATES:** Comments are encouraged and will be accepted for an additional 30 days until September 30, 2022.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**SUPPLEMENTARY INFORMATION:** Written comments and 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:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and, if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
- 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 of a Currently Approved Collection.

2. *The Title of the Form/Collection:* Application to Make and Register a Firearm.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

*Form number:* ATF Form 1 (5320.1).

*Component:* Bureau of Alcohol, Tobacco, Firearms and Explosives, 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, Business or other for-profit, Federal Government, State, Local, or Tribal Government.

*Other:* Not for-profit and Farms.

*Abstract:* The Application to Make and Register a Firearm—ATF Form 1 (5320.1) must be completed by any person, other than a qualified manufacturer, who wishes to make and register a National Firearms Act (NFA) firearm. For any person other than a government agency, the making incurs a tax of \$200.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 25,716 respondents will respond to this collection once annually, and it will take each respondent approximately 3.99783 hours to complete their responses.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 102,808 hours, which is equal to 25,716 (total respondents) \* 1 (# of response per respondent) \* 3.99783 hours (239.9 minutes or the time taken to prepare each response).

If additional information is required contact: Robert Houser, Assistant Director, Policy and Planning Staff, Office of the Chief Information Officer, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 3E–206, Washington, DC 20530.

Dated: August 25, 2022.

**Robert Houser,**

*Assistant Director, Policy and Planning Staff, Office of the Chief Information Officer, U.S. Department of Justice.*

[FR Doc. 2022–18756 Filed 8–30–22; 8:45 am]

**BILLING CODE 4410–FY–P**

#### DEPARTMENT OF JUSTICE

##### Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0014]

##### Agency Information Collection Activities; Proposed eCollection of eComments Requested; Application for Tax Paid Transfer and Registration of Firearm—ATF Form 4 (5320.4)

**AGENCY:** Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

**ACTION:** 30-Day notice.

**SUMMARY:** The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ) will submit 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. The proposed information collection (IC) OMB 1140–0014 (Application for Tax Paid Transfer and Registration of Firearm—ATF Form 4 (5320.4) is being updated to include minor changes due to the Bipartisan Safer Communities Act. These include updates to the instructions and questions regarding prohibited persons, adjustments to the definitions of misdemeanor crime of domestic violence and adjudicated mentally defective, and the resolution of other grammatical errors and formatting changes. The proposed IC is also being published to obtain comments from the public and affected agencies.

**DATES:** Comments are encouraged and will be accepted for an additional 30 days until September 30, 2022.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**SUPPLEMENTARY INFORMATION:** Written comments and 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:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and, if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
- 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.