

unenforceable for failure to name an inventor.

On October 31, 2013, Flashpoint filed a petition for review challenging the ALJ's findings. On the same day, respondents filed a joint petition for review challenging the ALJ's findings. On the same day, HTC filed a separate petition for review challenging the ALJ's findings with respect to issues affecting only HTC. The parties submitted responses to the petitions on November 8, 2013.

On December 16, 2013, the Commission determined to review the ALJ's findings regarding the following issues: (1) Infringement of the asserted claims of the '538 patent by the HTC Vivid and HTC Droid Incredible 4G LTE smartphones; (2) the technical prong of the domestic industry requirement for the '538 patent; (3) obviousness of the asserted claims of the '538 patent over U.S. Patent No. 5,835,772 to Thurlo, U.S. Patent No. 5,740,801 to Branson, the "Admitted Prior Art," U.S. Patent No. 5,638,501 to Gough *et al.*, and U.S. Patent No. 5,898,434 to Small; (4) claim construction of the term "operating system" in the asserted claims of the '471 patent; (5) infringement of the '471 patent by the accused HTC, Huawei, and ZTE products; (6) the technical prong of the domestic industry requirement for the '471 patent; (7) anticipation of the asserted claims of the '471 patent in view of U.S. Patent No. 5,687,376 to Celi, Jr. *et al.*; (8) infringement of the asserted claim of the '190 patent; (9) technical prong of the domestic industry requirement for the '190 patent; (10) anticipation and obviousness of the '190 patent in view of U.S. Provisional Patent Application 60/037,963 to Parulski ("Parulski-963"); (11) anticipation and obviousness of the '190 patent in view of the Color Zaurus Reference ("Zaurus"); (12) anticipation and obviousness of the '190 patent in view of the Japanese Laid-Open Patent Application No. H09-298678 to Saito; (13) validity of the '538, '471, and '190 patents in view of the on-sale bar; (14) enforceability of claim 19 of the '538 patent with respect to joint inventorship; and (15) the economic prong of the domestic industry requirement with respect to the '538, '471, and '190 patents. The Commission requested briefing from the parties on fourteen (14) questions. The parties submitted their opening responses on January 3, 2014 and their reply responses on January 10, 2014.

Having examined the record of this investigation, including the ALJ's final ID, the parties' petitions for review, and the submissions of the parties on review, the Commission has determined

to reverse the ALJ's determination of violation of Section 337 and to find no violation of Section 337 with respect to the asserted patents. Specifically, the Commission finds that: (1) The HTC Vivid and HTC Droid Incredible 4G LTE smartphones do not infringe the asserted claims of the '538 patent; (2) complainant has met the technical prong of the domestic industry requirement for the '538 patent; (3) respondents have not shown that the asserted claims of the '538 patent are obvious; (4) the ALJ correctly construed the term "operating system" in the asserted claims of the '471 patent, (5) the accused HTC, Huawei, and ZTE products do not infringe the asserted claims of the '471 patent; (6) complainant has not proved the technical prong of the domestic industry requirement for the '471 patent; (7) respondents have not shown that the asserted claims of the '471 patent are anticipated; (8) the accused HTC, Huawei, and ZTE products do not infringe the asserted claim of the '190 patent; (9) complainant has not proved the technical prong of the domestic industry requirement for the '190 patent; (10) respondents have not shown that the asserted claim of the '190 patent is anticipated or rendered obvious; (13) respondents have not shown that the asserted claims of the '538, '471, and '190 patents are invalid in view of the on-sale bar; (14) respondents have not shown that claim 19 of the '538 patent is unenforceable due to failure to name an inventor; and (15) complainant has proved that the economic prong of the domestic industry requirement with respect to the '538, '471, and '190 patents. The Commission has furthered determined to take no position on whether the asserted claim of the '190 patent is anticipated or rendered obvious by Parulski-963 or Zaurus. A Commission opinion will issue promptly.

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: March 14, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014-06121 Filed 3-19-14; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Third Modified Consent Decree Under the Clean Water Act

On March 14, 2014, the Department of Justice lodged a proposed Third Modified Consent Decree with the United States District Court for the Eastern District of Louisiana in the lawsuit entitled *United States v. Sewage and Water Board of New Orleans*, Civil Action No. 2:93-CV-3212-MVL.

In 1998, a Consent Decree was entered in this Clean Water Act enforcement action. Among other requirements, that Consent Decree required the Sewage and Water Board of New Orleans ("the Board") to perform remedial work on its sewage system in nine designated basins. Work in four of those basins was completed prior to Hurricane Katrina in 2005. A Modified Consent Decree extending the deadlines for the remaining five basins was entered in 2010. For two basins of those five basins, the schedule was further extended under a Second Modified Consent Decree entered in 2013. The proposed Third Modified Consent Decree would extend the schedule for the three basins not addressed in the Second Modified Consent Decree (i.e., the MidCity, Carrollton, and South Shore basins). In addition to the schedule changes, the proposed Third Modified Consent Decree also includes additional requirements related to funding green infrastructure and to reporting on coordination between the Board and the City of New Orleans with respect to work required under the Third Modified Consent Decree.

The publication of this notice opens a period for public comment on the Third Modified Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Sewage and Water Board of New Orleans*, D.J. Ref. No. 90-5-1-1-4032. 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 e-mail | 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 Third Modified Consent Decree may be examined and downloaded at this Justice Department Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. We will provide a paper copy of the Third Modified 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 \$17.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Thomas Carroll,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–06104 Filed 3–19–14; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Comment Request for Information Collection for the OMB 1205–0268, ETA 9016 Alien Claims Activity Report, Extension Without Revision

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, ETA is soliciting comments concerning the proposed extension for the collection of data on the ETA 9016, Alien Claims Activity Report, which expires September 30, 2014. The data collection will provide for a comprehensive evaluation of the Unemployment Insurance (UI) Alien Claims Activities. The data are collected quarterly, and an analysis of the data received is formulated into a report summarizing the Alien Claims Activity

by the 53 State Workforce Agencies (SWAs).

DATES: Written comments must be submitted to the office listed in the addresses section below on or before May 19, 2014.

ADDRESSES: Send comments to Ericka Parker, Office of Unemployment Insurance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number 202–693–3208 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD). Email: parker.ericka@dol.gov. A copy of the proposed information collection request (ICR) can be obtained by contacting the person listed above.

SUPPLEMENTARY INFORMATION:

I. Background

The ETA 9016 report is used by the Department to assess whether (and the extent to which) the requirements of the U.S. Citizenship and Immigration Services (USCIS), Systematic Alien Verification for Entitlement (SAVE) system are cost-effective and otherwise appropriate for the UI program. In addition, data from the Alien Claims Activity report is being used to assist the Secretary of Labor in determining whether a SWA's administrative costs associated with the verification program are reasonable and reimbursable. There is no other report or system available for collecting this required information. The report allows the Department of Labor to determine the number of aliens filing for UI, the number of benefit issues detected, the denials of benefits to aliens, the extent to which State Agencies use the system, and the overall effectiveness and cost efficiency of the verification system. If SWAs are not required to submit the information on the Alien Claims Activity Report, the Department would not be able to fulfill its responsibilities to assess the SAVE system.

II. Review Focus

The Department is particularly interested in comments which:

- 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;

- Enhance the quality, utility, and clarity of the information to be collected; 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 submissions of responses.

III. Current Actions

Type of Review: Extension without revision.

Title: ETA 9016, Alien Claims Activity Report.

OMB Number: 1205–0268.

Affected Public: State Workforce Agencies.

Estimated Total Annual Respondents: 53.

Annual Frequency: Quarterly.

Estimated Total Annual Responses: 212 responses.

Average Time per Response: 1 hour.

Estimated Total Annual Burden

Hours: 212 hours.

Total Estimated Annual Other Cost Burden: \$0.

Comments submitted in response to this comment request will be summarized and/or included in the request for OMB approval of the ICR; they will also become a matter of public record.

Dated: March 12, 2014.

Eric M. Seleznow,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2014–06128 Filed 3–19–14; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Comment Request for Information Collection for OMB 1205–0452, ETA 9047 Reemployment of Unemployment Insurance (UI) Benefit Recipients Report, Extension Without Revision

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on