

INTERNATIONAL TRADE COMMISSION**[Investigation No. 731-TA-663 (Second Review)]****Paper Clips from China****AGENCY:** International Trade Commission.**ACTION:** Scheduling of an expedited five-year review concerning the antidumping duty order on paper clips from China.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)) (the Act) to determine whether revocation of the antidumping duty order on paper clips from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

EFFECTIVE DATE: October 4, 2005.

FOR FURTHER INFORMATION CONTACT: Jim McClure (202-205-3191), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background. On October 4, 2005, the Commission determined that the domestic interested party group response to its notice of institution (70 FR 38202, July 1, 2005) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.¹ Accordingly,

the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.

Staff report. A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on December 9, 2005, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions. As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,² and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before December 14, 2005 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by December 14, 2005. However, should the Department of Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II (C) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service

available from the Office of the Secretary and at the Commission's Web site.

² The Commission has found the responses submitted by ACCO Brands USA, LLC, and Officemate International Corp. to be individually adequate. Comments from other interested parties will not be accepted (see 19 CFR 207.62(d)(2)).

must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination. The Commission has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: October 14, 2005.

By order of the Commission.

Marilyn R. Abbott,*Secretary to the Commission.*

[FR Doc. 05-20977 Filed 10-19-05; 8:45 am]

BILLING CODE 7020-02-P**INTERNATIONAL TRADE COMMISSION****[Inv. No. 337-TA-509]**

In the Matter of Certain Personal Computers, Server Computers, and Components Thereof; Notice of Commission Decision To Review an Initial Determination Finding a Violation of Section 337 of the Tariff Act of 1930; Request for Written Submissions on the Issues Under Review, and on Remedy, the Public Interest, and Bonding

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

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in its entirety the presiding administrative law judge's ("ALJ") initial determination ("ID") in the above-captioned investigation finding a violation of section 337 of the Tariff Act of 1930. Notice is also hereby given that the Commission is requesting briefing on the issues under review, and on the issues of remedy, the public interest, and bonding.

FOR FURTHER INFORMATION CONTACT: Rodney Maze, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3065. 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

¹ A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be

Internet server (<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: This patent-based section 337 investigation was instituted by the Commission on June 7, 2004, based on a complaint filed by Hewlett-Packard Development Company, L.P. of Houston, Texas and Hewlett-Packard Company of Palo Alto, California (collectively "HP"). 69 FR 31844 (June 7, 2004). The complainants alleged violations of section 337 in the importation and sale of certain personal computers, server computers, and components thereof, by reason of infringement of seven U.S. patents. The complainants named Gateway, Inc. of Poway, California (Gateway) as the only respondent. Claim 1 of U.S. Patent No. 5,737,604, claims 1, 3, 4, 6-8, 18, 20, 21, 23-25, 35, 37, 38, and 40-42 of U.S. Patent No. 6,138,184 ("the '184 patent"), claim 9 of U.S. Patent No. 5,892,976 ("the '976 patent"), and claim 1 of U.S. Patent No. 6,085,318 ("the '318 patent") remain at issue in this investigation.

On May 24, 2005, the ALJ issued an ID (Order No. 45) extending the target date of the investigation by three months or until December 8, 2005. No party petitioned for review of the ID. The Commission has determined not to review this ID.

On August 8, 2005, the ALJ issued his final ID on violation and his recommended determination on remedy and bonding. The final ID incorporates by reference Order No. 15 setting forth the applicable construction of the claim terms at issue in this investigation. The ALJ found a violation of section 337 by reason of infringement of claims 7, 24, and 41 of the '184 patent and claim 9 of the '976 patent. The ALJ did not find a violation of section 337 with respect to the other two patents. Petitions for review were filed by HP, Gateway, and the Commission investigative attorney (IA) on August 18, 2005.

On August 23, 2005, the Commission issued a notice indicating that it had determined to extend the deadline for determining whether to review the final ID by 14 days, *i.e.*, from September 22, 2005, until October 6, 2005. On August 25, 2005, all parties filed responses to the petitions. On October 6, 2005, the Commission issued a notice indicating that it had determined to extend the deadline for determining whether to

review the final ID by 8 days, *i.e.*, from October 6, 2005, until October 14, 2005.

Having examined the record in this investigation, including the ALJ's final ID, the petitions for review, and the responses thereto, the Commission has determined to review the ID in its entirety. In connection with its review, the Commission requests briefing limited to the following questions:

(1) With respect to the ALJ's infringement finding regarding the '184 and '976 patents, the extent to which installation of parallel port driver software is required to enable DMA-controlled transfers to the parallel port, and the implications for infringement analysis and for the technical prong of the domestic industry requirement;

(2) With respect to the ALJ's infringement finding regarding claim 1 of the '318 patent, whether use of an El Torito CD-ROM is required for the accused devices to meet the limitations of claim 1 of the '318 patent, and the implications for infringement analysis and for the technical prong of the domestic industry requirement;

(3) Whether there is a factual or legal distinction, for purposes of infringement analysis, between the installation of software in relation to the parallel output port limitation of the '184 and '976 patents and the use of an El Torito CD-ROM in relation to the boot memory limitation of claim 1 of the '318 patent; and

(4) Whether the holdings of *Jazz Photo Corp. v. International Trade Commission*, 264 F.3d 1094, 1105 (Fed. Cir. 2001), and *Fuji Photo Film Co. Ltd. v. Jazz Photo Corp.*, 394 F.3d 1368, 1376 (Fed. Cir. 2005), concerning the first sale doctrine and patent exhaustion, control where the patents at issue are the subject of worldwide licenses, unlike the situation in the *Jazz* and *Fuji* cases.

In connection with the final disposition of this investigation, the Commission may issue (1) an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) a cease and desist order that could result in the respondent being required to cease and desist from engaging in unfair action in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry are either adversely affecting it or likely to do so. For

background, see *In the Matter of Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed.

Written Submissions: Submissions should be concise and thoroughly referenced to the record in this investigation. The parties to the investigation, interested government agencies, and any other interested persons are encouraged to file written submissions on the issues under review and the issues of remedy, the public interest, and bonding. Such submissions should address the ALJ's recommended determination on remedy and bonding. Complainant and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to state the expiration date of the '184 and '976 patents and the HTSUS numbers under which the infringing products are imported. The main written submissions and proposed remedial orders must be filed no later than close of business on October 24, 2005. Response submissions must be filed no later than close of business on October 31, 2005. No further submissions will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 12 true copies thereof with the Office of the Secretary on or before the deadlines stated above. Any person desiring to

submit a document (or portions thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 210.5. Documents for which confidential treatment is granted by the Commission will be treated accordingly. All non-confidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and §§ 210.42, 210.43, and 210.50 of the Commission's Interim Rules of Practice and Procedure (19 CFR 210.42, 210.43, and 210.50).

Issued: October 14, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05-20976 Filed 10-19-05; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

[AAG/A Order No. 013-2005]

Privacy Act of 1974, Systems of Records

AGENCY: Environment and Natural Resources Division, DOJ.

ACTION: Notice of modifications to systems of records.

SUMMARY: Under the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Environment and Natural Resources Division (ENRD), Department of Justice, proposes to make minor modifications to two systems of records. The first system, entitled "Appraisers, Approved Attorneys, Abstractors and Title Companies Files Database System (Justice/ENRD-001)," was last published in the **Federal Register** on February 23, 2000 (65 FR 8989). The second system entitled "Environment and Natural Resources Division Case and Related Files System (Justice/ENRD-003)," was last published in the **Federal Register** on February 23, 2000 (65 FR 8990). The modifications involve a change to the name of a Section within ENRD; and a change in the name of an Office serving as a System Manager.

These minor changes do not require notification to the Office of Management and Budget or Congress. The changes will be effective on October 20, 2005.

Questions regarding the modifications may be directed to Mary Cahill, Management Analyst, Management and Planning Staff, Justice Management Division, National Place Building, Room 1400, Department of Justice, Washington, DC 20530.

The modifications to the system descriptions are set forth below.

Dated: October 12, 2005.

Paul R. Corts,

Assistant Attorney General for Administration.

JUSTICE/ENRD-001

SYSTEM NAME:

Appraisers, Approved Attorneys, Abstractors and Title Companies Files Database System.

* * * * *

NOTIFICATION PROCEDURE:

Address inquiries to the FOIA/Privacy Act Coordinator; Environment and Natural Resources Division; Law and Policy Section; PO Box 4390; Ben Franklin Station; Washington, DC 20044-4390.

RECORD ACCESS PROCEDURES:

Submit in writing all requests for access, and clearly mark the envelope and letter, "Privacy Act Access Request." Include in the request your full name, date, and place of birth, case caption, or other information which may assist in locating the records you seek. Also include your notarized signature and a return address. Direct all access requests to the FOIA/Privacy Act Coordinator; Environment and Natural Resources Division; Law and Policy Section; PO Box 4390, Ben Franklin Station; Washington, DC 20044-4390.

* * * * *

JUSTICE/ENRD-003

SYSTEM NAME:

Environment and Natural Resources Division Case and Related Files System.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

The System Manager is the Assistant Director, Office of Information Management, in coordination with the Office of Planning and Management's Records Management Unit.

NOTIFICATION PROCEDURE:

Address inquiries to the FOIA/Privacy Act Coordinator; Environment and Natural Resources Division; Law and Policy Section; PO Box 4390; Ben Franklin Station; Washington, DC 20044-4390.

RECORD ACCESS PROCEDURES:

* * * [Paragraph remains the same, except to change last sentence of paragraph to read as follows.]

Direct all access requests to the FOIA/Privacy Act Coordinator; Environment and Natural Resources Division; Law and Policy Section; PO Box 4390, Ben Franklin Station, Washington DC 20044-4390.

* * * * *

[FR Doc. 05-20997 Filed 10-19-05; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

[AAG/A Order No. 011-2005]

Privacy Act of 1974; Notice of the Removal of System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Department of Justice is removing a published Privacy Act system of records entitled "Department of Justice (DOJ) Call Detail Records, Justice/JMD-012," last published in the **Federal Register** on September 27, 1996, at 61 FR 50870.

This system of records notice is no longer necessary because DOJ authorized Bell Atlantic to terminate the Message Detail Recording on April 16, 1999. At the present time, a Verizon-owned computer processes telephone circuit usage for the Washington Area Switch Program (WASP II). That function (including long-distance calling) has been totally taken in-house by Verizon. The only way DOJ can have access to this information would be by a valid subpoena issued against Verizon. The DOJ records have been destroyed in accordance with the Retention and Disposal schedule provided in the **Federal Register** notice of September 27, 1996.

Therefore, the system of records entitled "Department of Justice Call Detail Records, Justice/JMD-012" is removed from the Department's compilation of Privacy Act systems of records effective on the date of publication of this notice in the **Federal Register**.

Dated: October 6, 2005.

Paul R. Corts,

Assistant Attorney General for Administration.

[FR Doc. 05-20998 Filed 10-19-05; 8:45 am]

BILLING CODE 4410-FB-P