

independently sold Wii MotionPlus and Nunchuck accessories contributorily infringe the asserted claim of the '917 and '742 patents; (c) anticipation and obviousness with respect to the asserted claim of the '917 patent; (d) obviousness with respect to the asserted claim of the '742 patent; and (e) whether CK has satisfied the technical prong of the domestic industry requirement with respect to the '917 and '742 patents, and if necessary, whether CK has satisfied the economic prong of the domestic industry requirement with respect to the '917 and '742 patent in light of the ALJ's technical prong determination.

On May 7, 2013, the ALJ issued a remand ID finding no violation of section 337. The ALJ found that (i) Respondents do not infringe claim 7 of the '917 patent; (ii) respondents do not contribute to the infringement of claim 24 of the '742 patent; (iii) the asserted claim of the '917 patent is not invalid for anticipation; (iv) the asserted claim of the '917 patent is not invalid for obviousness; (v) the asserted claim of the '742 patent is not invalid for obviousness; (vi) complainant has satisfied the technical prong of the domestic industry requirement for the '917 patent; and (vii) complainant has satisfied the technical prong of the domestic industry requirement for the '742 patent. The ALJ determined that it was unnecessary to revisit his previous finding in his final ID that complainant has not satisfied the economic prong of the domestic industry requirement for the '742 and '917 patents.

On July 8, 2013, the Commission determined to review the following issues from the remand ID: (1) Whether the accused products directly infringe the asserted claim of the '917 patent; (2) whether the independently sold Wii MotionPlus and Nunchuck accessories contributorily infringe the asserted claim of the '742 patent; (3) non-obviousness of the asserted claim of the '742 patent; and (4) whether the technical prong of the domestic industry requirement is met with respect to the '917 and '742 patents. The Commission noted that the following issues from the final ID are currently under review: (a) Whether the accused products directly infringe the asserted claim of the '742 patent; (b) validity of the asserted claims of the '917 and '742 patent under the enablement requirement; (c) validity of the asserted claims of the '917 and '742 patent under the written description requirement; and (d) whether the economic prong of the domestic industry requirement is met with respect to the '917 and '742 patents.

Having examined the record of this investigation, including the ALJ's final

ID, remand ID, and the submissions of the parties, the Commission has determined to affirm, with modifications, the ALJ's finding of no violation of Section 337. Specifically, the Commission has determined to affirm, with modifications, the ALJ's finding that claim 7 of the '917 patent and claim 24 of the '742 patent are invalid for lack of enablement and for lack of written description, and that complainant has not shown that the domestic industry requirement is met with respect to the '917 and '742 patents. The Commission has determined that complainant has not shown that the accused products directly infringe claim 7 of the '917 patent because they do not meet the limitation "command," and that complainant has not shown that the accused products directly infringe claim 24 of the '742 patent because they do not meet the limitation "activate or control." The Commission has also determined that complainant has not shown that the independently sold Wii MotionPlus and Nunchuck accessories contributorily infringe claim 24 of the '742 patent. Lastly, the Commission has determined that respondent has not shown that claim 24 of the '742 patent is obvious.

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 sections 210.42–46 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–46 and 210.50).

By order of the Commission.

Issued: September 12, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

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DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Stonybrook Land, LLC*, Civil Action No. 1:13–CV–1119 (TJM/RFT), was lodged with the United States District Court for the Northern District of New York on September 10, 2013.

This proposed Consent Decree concerns a complaint filed by the United States against Defendant Stonybrook Land, LLC, pursuant to Clean Water Act Section 404(s), 33 U.S.C. 1344(s), to obtain injunctive

relief from and impose civil penalties against the Defendant for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendant to perform mitigation and to pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Assistant United States Attorney Adam J. Katz, James T. Foley Courthouse, 445 Broadway, Room 218, Albany, NY 12207, and refer to *United States v. Stonybrook Land, LLC*, USAO # 2010V00052.

The proposed Consent Decree may be examined at the Clerk's Office of the United States District Court for the Northern District of New York, James T. Foley Courthouse, 445 Broadway, Suite 509, Albany, NY 12207. In addition, the proposed Consent Decree may be examined electronically at http://www.justice.gov/enrd/Consent_Decrees.html.

Cherie L. Rogers,

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

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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–NEW]

Agency Information Collection Activities; Proposed Collection; Comments Requested: Request for ATF Background Investigation Information

ACTION: 60-Day Notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), 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 is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until November 18, 2013. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or