

from the investigation). The complaint named Apple Inc. as the Respondent.

On October 17, 2011, the ALJ issued his final ID, finding no violation of section 337 by the Respondent. Specifically, the ALJ found that the Commission has subject matter jurisdiction and that Apple did not contest that the Commission has *in rem* and *in personam* jurisdiction. The ALJ also found that there was an importation into the United States, sale for importation, or sale within the United States after importation of the accused portable electronic devices and related software. Regarding infringement, the ALJ found that Apple does not infringe claims 1, 2, 4, 6, 10, 11, 14 and 15 of the '800 patent, claims 1 and 10 of the '988 patent, claims 8–9 of the '957 patent and claims 1–2 of the '505 patent. With respect to invalidity, the ALJ found that the asserted claims are not invalid. Finally, the ALJ concluded that an industry exists within the United States that practices the '988 and '957 patents, but not the '800 and '505 patents as required by 19 U.S.C. 1337(a)(2).

On October 31, 2011, HTC filed a petition for review of the ID, which also included a contingent petition for review. Also on October 31, 2011, Apple filed a contingent petition for review. On November 8, 2011, the parties filed responses to the petition and contingent petitions for review. On December 16, 2011, the Commission determined to review the ID in part. The Commission determined to review the ALJ's findings for '800 patent in its entirety and requested briefing on nine issues, and on remedy, the public interest and bonding. 76 FR 79708–09 (Dec. 22, 2011). The Commission did not review any issues related to the '505 patent and reviewed in part the ALJ's findings for the '988 and '957 patents. *Id.* The Commission took no position on one limitation and affirmed the remainder of the ALJ's findings for the '988 and '957 patents. *Id.* The Commission terminated those patents from the investigation. *Id.*

On January 4, 2012, the parties filed written submissions on the issues under review, remedy, the public interest, and bonding. On January 11, 2012, the parties filed reply submissions on the issues on review, remedy, the public interest, and bonding.

Having examined the record of this investigation, including the ALJ's final ID, the Commission has determined that there is no violation of section 337. Specifically, the Commission has determined to reverse the ALJ's finding that the "switching the PDA system from normal mode to sleep mode when the PDA system has been idle for a

second period of time" limitation of claim 1 is met and affirm the ALJ's determination that the accused products do not meet the "implementing a power detection method comprising steps of: detecting an amount of power of a source in the power system; switching the mobile phone system to off mode when the detected amount is less than a first threshold; and switching the PDA system to off mode when the detected amount is less than a second threshold" limitations of claim 1. In addition, the Commission affirms the ALJ's finding that no domestic industry exists for the '800 patent. The Commission also finds that Apple's waiver argument is moot.

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

By order of the Commission.  
Issued: February 17, 2012.

**James R. Holbein,**

*Secretary to the Commission.*

[FR Doc. 2012–4263 Filed 2–23–12; 8:45 am]

**BILLING CODE 7020–02–P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Toxic Substances Control Act

Notice is hereby given that on February 7, 2012, a proposed Consent Decree in *United States v. Dover Chemical Corp.*, Civil Action No. 5:12–cv–00292–SL was lodged with the United States District Court for the Northern District of Ohio.

In this action, the United States sought injunctive relief from Defendant Dover Chemical Corporation ("Dover Chemical") for violations of the Toxic Substances Control Act ("TSCA") Section 15, 15 U.S.C. 2614. The Complaint alleges that Dover Chemical manufactured and continues to manufacture multiple "new chemical substances" as defined in TSCA Section 3(9), 15 U.S.C. 2602(9), at its chemical manufacturing plants located in Dover, Ohio and Hammond, Indiana, while failing to comply with the manufacturing and processing notices required under TSCA Section 5, 15 U.S.C. 2604.

The Consent Decree requires Dover Chemical to pay a \$1.4 million civil penalty. Dover Chemical has halted manufacture of short-chain chlorinated paraffins and committed to submit premanufacture notices ("PMNs") for

medium and long-chain chlorinated paraffins, pursuant to TSCA Section 5. The proposed Consent Decree prohibits Dover Chemical from manufacturing any chlorinated paraffin product not placed on the TSCA Inventory via the PMN process.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States v. Dover Chemical Corp.*, D.J. Ref. 90–5–2–1–10116.

During the public comment period, the Consent Decree, may also be examined on the following Department of Justice Web site, to [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or emailing a request to "Consent Decree Copy" ([EEESCDCopy.ENRD@usdoj.gov](mailto:EEESCDCopy.ENRD@usdoj.gov)), fax no. (202) 514–0097, phone confirmation number (202) 514–5271. If requesting a copy from the Consent Decree Library by mail, please enclose a check in the amount of \$6.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if requesting by email or fax, forward a check in that amount to the Consent Decree Library at the address given above.

**Maureen Katz,**

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

[FR Doc. 2012–4369 Filed 2–23–12; 8:45 am]

**BILLING CODE 4410–15–P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

Notice is hereby given that on February 17, 2012, a proposed Consent Decree in *In Re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL 2179, was lodged with the United States District Court for the Eastern District of Louisiana.

In this action the United States sought, in part, civil penalties under Section 311(b) of the Clean Water Act,

33 U.S.C. 1321(b), against multiple parties, including MOEX Offshore 2007 LLC ("MOEX"), in connection with the discharge of oil into the Gulf of Mexico resulting from the April 20, 2010 blowout of the Macondo well and explosion of the Deepwater Horizon oil rig. The Complaint alleges that MOEX is liable for civil penalties as a co-lessee of the Macondo well and as co-owner of the well casing and equipment. Pursuant to the proposed Consent Decree, MOEX will pay \$70 million in civil penalties, of which \$45 million will go to the United States and the remaining \$25 million will be divided among the states of Louisiana, Alabama, Florida, Mississippi and Texas. The proposed Consent Decree also requires MOEX to perform supplemental environmental projects valued at \$20 million in the Gulf States proximate to the Gulf of Mexico. The proposed Consent Decree does not resolve all claims in the Complaint alleged against MOEX, nor does it resolve claims alleged in the Complaint against other parties.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *In Re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL 2179, D.J. Ref. 90-5-1-1-10026. During the public comment period, the Consent Decree may be examined on the following Department of Justice Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or emailing a request to "Consent Decree Copy" ([EESCDCopy.ENRD@usdoj.gov](mailto:EESCDCopy.ENRD@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-5271. If requesting a copy from the Consent Decree Library by mail, please enclose a check in the amount of \$13.00 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if requesting by fax, forward a check in that amount to the

Consent Decree Library at the address given above.

**Maureen M. Katz,**

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

[FR Doc. 2012-4368 Filed 2-23-12; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on February 9, 2012, a proposed Settlement Agreement (the "Agreement") in *In re: Wood Treaters, LLC*, Bankruptcy Case No. 3:09-bk-01895-PMG, was lodged with the United States Bankruptcy Court for the Middle District of Florida.

In this Chapter 7 bankruptcy case, the United States filed a claim for administrative expenses seeking payment under Section 107(a)(1) and (2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607(a)(1) and (2), of past and future costs incurred by the U.S. Environmental Protection Agency ("EPA") for environmental response activities related to the releases and threatened releases of hazardous substances from the Fairfax Street Wood Treaters Site, located at 2610 Fairfax Street in Jacksonville, Duval County, Florida. The Site was formerly operated by Debtor Wood Treaters, LLC. Under the Agreement between the United States, on behalf of EPA, and the Chapter 7 Trustee, EPA covenants not to take administrative or civil action against the Debtor or Trustee pursuant to CERCLA Sections 106 or 107, 42 U.S.C. 9606 or 9607, subject to certain reservations of rights. In exchange, the United States, on behalf of EPA, shall have an allowed priority claim for administrative expenses of \$4,352,672. Further, the Trustee shall pay the United States \$70,000; pay the United States 25% of certain net proceeds retained from the recovery of pre-Chapter 7 conversion accounts receivable and from recovery claims under 11 U.S.C. 549; and assign to EPA all rights to insurance claims proceeds that the Trustee may collect on any insurance policy relating to environmental liability for the Site. To the extent that the aforementioned sums are insufficient to satisfy EPA's allowed priority claim, the unpaid balance shall be converted to and allowed as a general nonpriority unsecured claim.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *In re: Wood Treaters, LLC*, D.J. Ref. 90-11-3-10194.

During the public comment period, the Agreement may also be examined on the following Department of Justice Web site, at [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or emailing a request to "Consent Decree Copy" ([EESCDCopy.ENRD@usdoj.gov](mailto:EESCDCopy.ENRD@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-5271. If requesting a copy from the Consent Decree Library by mail, please enclose a check in the amount of \$5.50 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if requesting by email or fax, forward a check in that amount to the Consent Decree Library at the address given above.

**Henry Friedman,**

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

[FR Doc. 2012-4350 Filed 2-23-12; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### 160th Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 160th open meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans (also known as the ERISA Advisory Council) will be held on March 13, 2012.

The meeting will take place in Room S-2508, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. The purpose of the open meeting, which will run from 1:30 p.m. to approximately 4:30 p.m. Eastern Standard Time, is to welcome the new members, introduce the Council Chair and Vice Chair, receive an update from