

Incorporated of San Diego, California ("Qualcomm"). 71 FR 39362 (July 12, 2006). The complaint, as amended, alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. \*1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile telephone handsets, wireless communications devices, and components thereof by reason of infringement of certain claims of six U.S. patents. The complaint and notice of investigation named Nokia Corporation of Finland and Nokia Inc. of Irving, Texas (collectively, "Nokia"), as respondents. The complaint, as amended, further alleged that an industry in the United States exists as required by subsection 337(a)(2). Only claims 1 and 3 of U.S. Patent No. 5,452,473 ("the '473 patent"), claim 1 of U.S. Patent No. 5,590,408 ("the '408 patent"), and claim 2 of U.S. Patent No. 5,655,220 ("the '220 patent") remain in the investigation.

On December 12, 2007, the ALJ issued his final ID finding no violation of section 337 of the Tariff Act of 1930 (19 U.S.C. \*1337). Specifically, the ALJ determined that there had been an importation of Nokia's accused products, and that none of Nokia's accused products infringe the asserted claims of the '473, '408, or '220 patents. With regard to claims 1 and 3 of the '473 patent, the ALJ determined these asserted claims were not proven to be invalid under the best mode requirement of 35 U.S.C. \*112 or anticipated under 35 U.S.C. \*102. The ALJ also determined that claims 1 and 3 of the '473 patent were proven to be invalid as obvious under 35 U.S.C. \*103. With regard to claim 1 of the '408 patent and claim 2 of the '220 patent, the ALJ determined that these asserted claims were not proven to be invalid. The ALJ determined that a domestic industry exists that practices the '473, '408, and '220 patents. Finally, the ALJ made a recommendation that if the Commission finds a violation under section 337, a limited exclusion and cease and desist orders should issue with a bond set in the amount of 100 percent of entered value during the 60 day period of Presidential review.

On January 9, 2008, Qualcomm and Nokia each filed petitions for review. The Commission Investigative Attorney ("IA") did not file a petition for review.

On January 23, 2008, Qualcomm and Nokia filed responses to each other's petitions for review. The IA filed his response to both petitions on January 24, 2008.

On February 5, 2008, Qualcomm filed a letter requesting that the Commission consider the recent Federal Circuit decision in *Oatey Co. v. IPS, Corp.*, Case No. 07-1214, slip op. (Fed. Cir. Jan. 30, 2008). Nokia filed a responsive letter on February 6, 2008.

Having examined the record of this investigation, including the ALJ's final ID and the submissions of the parties, the Commission has determined not to review the ALJ's determination.

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 section 210.42-45 of the Commission's Rules of Practice and Procedure (19 CFR 210.42-45).

Issued: February 27, 2008.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8-4073 Filed 3-3-08; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on February 27, 2008, a proposed Consent Decree was lodged with the United States District Court for the District of Massachusetts in *United States v. Bayer CropScience Inc. et al.*, Civil Action No. 1:08-cv-10325-MLW.

In this action, the United States filed a complaint, under Sections 106, 107(a) and 113(g)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9606, 9607(a), and 9613, alleging that Bayer CropScience Inc. and Pharmacia Corporation ("Settling Defendants") are liable parties in connection with the Second Operable Unit at the Industri-plex Superfund Site ("Industri-plex OU2"), located in Woburn Massachusetts. At the same time as it filed its complaint, the United States lodged a proposed Consent Decree that resolves those claims and requires the Settling Defendants to (a) implement the remedy selected by EPA for Industri-Plex OU2 in a Record of Decision dated January 31, 2006, (b) pay EPA's future response costs in connection with the Consent Decree, and (c) make a payment to the United States in the amount of \$6 million in reimbursement of past costs incurred in connection with Industri-plex OU2.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Bayer CropScience Inc.*, D.J. Ref. 90-11-2-228/6. Comments may also be submitted by e-mail to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov). A copy of the comments should also be sent to Donald Frankel, Trial Attorney, Environmental Enforcement Section, Department of Justice, Suite 616, One Gateway Center, Newton, MA 02458.

The Consent Decree may be examined at the Office of the United States Attorney, District of Massachusetts, U.S. Courthouse, Suite 9200, One Courthouse Way, Boston, MA 02210 (contact Bunker Henderson). During the public comment period, the Consent Decree may also 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 e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy of the Consent Decree from the Consent Decree Library, please enclose a check in the amount of \$14.50 (25 cents per page reproduction cost, not including appendices) or \$136.25 (25 cents per page reproduction costs, including appendices) payable to the U.S. Treasury (if the request is by fax or e-mail, forward a check to the Consent Decree library at the address stated above).

**Ronald G. Gluck,**

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

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**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—SAE Consortium Ltd.

Notice is hereby given that, on January 25, 2008, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993,