

B. Endangered Marine Mammals and Marine Mammals

Applicant: BBC Television, Bristol, England, United Kingdom; PRT-13110B

The applicant requests a permit to photograph northern sea otters (*Enhydra lutris kenyoni*) in Alaska, from the ground and in the water, for commercial and educational purposes. This notification covers activities to be conducted by the applicant over a 1-year period.

Concurrent with publishing this notice in the **Federal Register**, we are forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-905]

**Certain Wireless Devices, Including Mobile Phones and Tablets II
Institution of Investigation Pursuant to 19 U.S.C. 1337**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 18, 2013, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Pragmatus Mobile, LLC of Alexandria, Virginia. Letters supplementing the complaint were filed on January 2 and 8, 2014. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wireless devices, including mobile phones and tablets by reason of infringement of U.S. Patent No. 8,149,124 ("the '124 patent") and U.S. Patent No. 8,466,795 ("the '795 patent"). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, DC 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained 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 at <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>.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2013).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on January 17, 2014, *ordered that* –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain wireless devices, including mobile phones and tablets by reason of infringement of one or more of claims 1–5, 7–17, and 19–21 of the '124 patent and claims 1–33 of the '795 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:
Pragmatus Mobile, LLC, 601 King Street, Suite 200, Alexandria, VA 22314

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Nokia Corporation (Nokia Oyj),
Keilalahdentie 2–4, F1–02150 Espoo, Finland

Nokia, Inc., 200 South Mathilda Avenue, Sunnyvale, CA 94086

Samsung Electronics Co., Ltd, 1320–10, Seocho 2-dong Seocho-gu, Seoul, Republic of Korea

Samsung Electronics America, Inc., 105 Challenger Rd., Ridgefield Park, NJ 07660

Samsung Telecommunications America, L.L.C., 1301 East Lookout Drive, Richardson, TX 75082

Sony Corporation, 1–7–1 Konan, Minato-ku, Tokyo 108–0075, Japan

Sony Mobile Communications AB, Sölvegatan 51, 223 62 Lund, Sweden
Sony Mobile Communications (USA), Inc., 3333 Piedmont Rd Ne #600, Atlanta, GA 30305

ZTE Corporation, ZTE Plaza, No. 55, Hi-Tech Road South Hi-Tech Industrial Park, Shenzhen 518057, Guangdong, China

ZTE (USA) Inc., 2425 N. Central Expressway #323, Richardson, Texas 75080

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be

deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Dated: January 17, 2014.

Lisa R. Barton,

Acting Secretary to the Commission.

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-833]

Certain Digital Models, Digital Data, and Treatment Plans for Use in Making Incremental Dental Positioning Adjustment Appliances, the Appliances Made Therefrom, and Methods of Making the Same; Commission Determination To Extend the Target Date for Completion of the Investigation; Schedule for Filing of Additional Written Submissions From the Parties and the Public

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the target date for completion of the above-captioned investigation and to solicit additional briefing from the parties and the public.

FOR FURTHER INFORMATION CONTACT: James A. Worth, 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 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 investigation was instituted on April 5, 2012, based upon a complaint filed on behalf of Align Technology, Inc., of San Jose, California ("Align"), on March 1, 2012, as corrected on March 22, 2012. 77 FR 20648 (April 5, 2012). The complaint alleged violations of Section 337 of the Tariff Act of 1930, 19 U.S.C. 1337 ("Section 337") in the sale for importation, importation, or sale within the United States after importation of certain digital models, digital data, and treatment plans for use in making incremental dental appliances, the appliances made therefrom, and methods of making the same by reason of infringement of certain claims of U.S. Patent No. 6,217,325 ("the '325 patent'"); U.S. Patent No. 6,471,511 ("the '511 patent'"); U.S. Patent No. 6,626,666; U.S. Patent No. 6,705,863 ("the '863 patent'"); U.S. Patent No. 6,722,880 ("the '880 patent'"); U.S. Patent No. 7,134,874 ("the '874 patent'"); and U.S. Patent No. 8,070,487 (the '487 patent'). The notice of institution named as respondents ClearCorrect Pakistan (Private), Ltd. of Lahore, Pakistan and ClearCorrect Operating, LLC of Houston, Texas (collectively, "the Respondents").

On May 6, 2013, the administrative law judge issued the final ID, finding a violation of Section 337 with respect to the '325 patent, the '880 patent, the '487 patent, the '511 patent, '863 patent, and the '874 patent. The ALJ recommended the issuance of cease and desist orders.

On May 20, 2013, Align, the Respondents, and the Commission investigative attorney each filed a petition for review. On May 28, 2013, each of the parties filed a response thereto. On June 5, 2013, Align filed a statement on the public interest. On June 13, 2013, the Respondents filed a statement on the public interest.

On June 7, 2013, the Commission issued notice of its determination to extend the deadline for determining whether to review the final ID to July 25, 2013, and to extend the target date to September 24, 2013.

On July 25, 2013, the Commission issued notice of its determination to review the final ID in its entirety and to solicit briefing on the issues on review and on remedy, the public interest, and bonding. 78 FR 46611 (August 1, 2013). On August 8, 2013, each of the parties filed written submissions. On August 15, 2013, each filed reply submissions.

On September 24, 2013, the Commission issued notice of its determination to extend the target date to November 1, 2013.

On November 18, 2013, the Commission issued notice of its determination to extend the target date to January 17, 2014.

The Commission has determined to extend the target date for completion of the above-captioned investigation to March 21, 2014, and to solicit briefing as follows.

The Commission is interested in receiving public comment on the following question:

Question 1: Are electronic transmissions "articles" within the meaning of Section 337? Please answer with respect to the text, structure, and legislative history of Section 337. Also address any potentially relevant judicial precedent, such as *Bayer AG v. Housey Pharmaceuticals, Inc.*, 340 F.3d 1367, 1373-74 (Fed. Cir. 2003), and *Suprema, Inc. v. Int'l Trade Comm'n*, ___ F.3d ___, Nos. 2012-1170, -1026, -1124, 2013 WL 6510929 (Fed. Cir. December 13, 2013); Commission decisions, including *Certain Hardware Logic Emulation Systems and Components Thereof*, Inv. No. 337-TA-383 (1998); and any other potentially informative decisions by other government agencies.

In addition, the Commission is interested in public comment and also encourages submissions by the parties to the investigation, interested government agencies, the Office of Unfair Import Investigations, and any other interested persons on the following questions, with reference to the applicable law, and the existing evidentiary record:

Question 2: In analyzing whether the term "articles" encompasses electronic transmissions, should the Commission take into account whether the electronic transmission is of data that is directly representative of a physical article?

Question 3: Does the term "processed" in Section 337(a)(1)(B)(ii) include data processing by a computer?

Question 4: Does the term "a material" in the phrase "a material or apparatus for use in practicing a patented process" in 35 U.S.C. 271(c) include electronic transmissions?

Written Submissions: The written submissions must be filed no later than close of business on February 3, 2014. Reply submissions must be filed no later than the close of business on February 10, 2014. The written submissions must be no longer than 50 pages and the reply submissions must be no longer than 25 pages. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.