

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS-WASO-NAGPRA-NPS0035952;
PPWOCRADNO-PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Museum of Us, San Diego, CA

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Museum of Us intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice. The cultural items were removed from Tennessee and Mississippi.

DATES: Repatriation of the cultural items in this notice may occur on or after July 3, 2023.

ADDRESSES: Carmen Mosley, NAGPRA Repatriation Manager, Museum of Us, 1350 El Prado, Balboa Park, San Diego, CA 92101, telephone (619) 239-2001 Ext. 42, email cmosley@museumofus.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Museum of Us. The National Park Service is not responsible for the determinations in this notice. Additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records held by the Museum of Us.

Description

At an unknown date, one cultural item was removed from an unknown county in the State of Mississippi. In 1939, George L. Hyatt donated the item to the San Diego Museum (now Museum of Us). The unassociated funerary object is an axe head.

At an unknown date, three cultural items were removed from Hickman County, TN. The items were found in a stone-lined grave situated at the junction of the Piney and Duck Rivers. In 1957, George A. Leupold donated the items to the San Diego Museum of Man (now Museum of Us). The three unassociated funerary objects are one adze blade, one double-headed axe head, and one biconcave discoidal.

At an unknown date, two cultural items were removed from an unknown county in the State of Tennessee. Subsequently, Geoffrey Smith, a retired physician and prolific collector of archeological and historic items, acquired these items from the E. Lorenz Borenstein Gallery. In 2010, Smith donated the items to the Museum of Man (now Museum of Us), along with a large Latin American archeological collection. The two unassociated funerary objects are one conch shell mask, and one conch shell dipper.

Cultural Affiliation

The cultural items in this notice are connected to one or more identifiable earlier groups, tribes, peoples, or cultures. There is a relationship of shared group identity between the identifiable earlier groups, tribes, peoples, or cultures and one or more Indian Tribes or Native Hawaiian organizations. The following types of information were used to reasonably trace the relationship: geographical and historical.

Determinations

Pursuant to NAGPRA and its implementing regulations, and after consultation with the appropriate Indian Tribes and Native Hawaiian organizations, the Museum of Us has determined that:

- The six cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- There is a relationship of shared group identity that can be reasonably traced between the cultural items and The Chickasaw Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the Responsible Official identified in **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 3, 2023. If competing

requests for repatriation are received, the Museum of Us must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Museum of Us is responsible for sending a copy of this notice to the Indian Tribe identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.8, 10.10, and 10.14.

Dated: May 24, 2023.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2023-11693 Filed 5-31-23; 8:45 am]

BILLING CODE 4312-52-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1259]

Certain Toner Supply Containers and Components Thereof (I); Notice of Commission Determination To Institute a Modification Proceeding; Schedule and Procedure for the Modification Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined to institute a modification proceeding in the above-captioned investigation. The Commission has also determined to delegate the modification proceeding to the Chief Administrative Law Judge ("ALJ") to designate a presiding ALJ to make all necessary factual and legal findings as to infringement and to issue a recommended determination.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-3228. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its

internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: On April 13, 2021, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), based on a complaint filed by Canon Inc. of Tokyo, Japan; Canon U.S.A., Inc. of Melville, New York; and Canon Virginia, Inc. of Newport News, Virginia (collectively, "Complainants"). See 86 FR 19284-86. The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, sale for importation, or sale after importation into the United States of certain toner supply containers and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 10,209,667 ("the '667 patent"); 10,289,060 ("the '060 patent"); 10,289,061 ("the '061 patent"); 10,295,957 ("the '957 patent"); 10,488,814 ("the '814 patent"); 10,496,032 ("the '032 patent"); 10,496,033 ("the '033 patent"); 10,514,654 ("the '654 patent"); 10,520,881 ("the '881 patent"); 10,520,882 ("the '882 patent"); 8,565,649; 9,354,551; and 9,753,402. *Id.* The complaint further alleges that a domestic industry exists. *Id.*

The Commission instituted two separate investigations based on the complaint and defined the scope of the present investigation as whether there is a violation of section 337 in the importation, sale for importation, or sale within the United States after importation of toner supply containers and components thereof by reason of infringement of certain claims the '667 patent, the '060 patent, the '061 patent, the '957 patent, the '814 patent, the '032 patent, the '033 patent, the '654 patent, the '881 patent, and the '882 patent (collectively, "the Asserted Patents"). *Id.*

The notice of investigation ("NOI") names twenty-six respondents, including twenty-two later found in default: (1) Sichuan XingDian Technology Co., Ltd. ("Sichuan XingDian") of Sichuan, China; (2) Sichuan Wiztoner Technology Co., Ltd. ("Sichuan Wiztoner") of Sichuan, China; (3) Copier Repair Specialists, Inc. ("Copier Repair Specialists") of Lewisville, Texas; (4) Digital Marketing Corporation d/b/a Digital Buyer Marketing Company ("Digital Buyer") of Los Angeles, California; (5) Ink Technologies Printer Supplies, LLC

("Ink Tech") of Dayton, Ohio; (6) Kuhlmann Enterprises, Inc. d/b/a Precision Roller ("Precision Roller") of Phoenix, Arizona; (7) NAR Cartridges of Burlingame, California; (8) Zhuhai Henyun Image Co., Ltd. ("Zhuhai Henyun") of Zhuhai, China; (9) Zinyaw LLC d/b/a TonerPirate.com and Supply District ("Zinyaw") of Houston, Texas; (10) Do It Wiser, Inc. d/b/a Image Toner ("Do It Wiser") of Wilmington, Delaware; (11) MITOCOLOR INC. ("MITOCOLOR") of Rowland Heights, California; (12) Anhuiyatengshang maoyouxiangongsi ("Yatengshang") of Ganyuqu, China; (13) ChengDuXiangChangNanShiYouSheBei YouXianGongSi ("ChengDuXiang") of SiChuanSheng, China; (14) Hefeierlandianzishangwuyouxiangongsi ("Erlandianzishang") of Chengdushi, China; (15) Xianshi yanliangqu canqiubaihuodianshanghang ("CJ-us") of Shanxisheng, China; (16) Ninestar Corporation of Guangdong, China; (17) Ninestar Image Tech Limited ("Ninestar Image") of Guangdong, China; (18) Ninestar Technology Company, Ltd. ("Ninestar Tech") of Chino, California (where Ninestar Corporation, Ninestar Image, and Ninestar Tech are collectively, "Ninestar Respondents"); (19) Static Control Components, Inc. ("Static Control") of Sanford, North Carolina; (20) Easy Group, LLC ("Easy Group") of Irwindale, California; (21) LD Products, Inc. ("LD Products") of Long Beach, California; and (22) The Supplies Guys, Inc. ("Supplies Guys") of Lancaster, Pennsylvania; (collectively, "Defaulting Respondents"). *Id.* The NOI also names the following respondents who were previously terminated from the investigation: General Plastic Industrial Co. Ltd. ("General Plastic") of Taichung, Taiwan; Katun Corporation ("Katun") of Minneapolis, Minnesota; Sun Data Supply, Inc. ("Sun Data Supply") of Los Angeles, California; and Shenzhenshi Keluodeng Kejiyouxiangongsi ("KenoGen") of Guangdong, China. *Id.* The Office of Unfair Import Investigations ("OUII") was also a party to the investigation. *Id.*

The complaint and NOI were later amended to correct the name of originally-identified respondent Do It Wiser, LLC d/b/a Image Toner to Do It Wiser, Inc. d/b/a Image Toner. Order No. 5 (May 13, 2021), *unreviewed by* 86 FR 29292-93 (June 1, 2021).

The Commission found the Ninestar Respondents, Static Control, Easy Group, LD Products, and Supplies Guys in default. Order No. 7 (June 22, 2021), *unreviewed by* Notice (July 6, 2021). The Commission also found respondents Sichuan XingDian, Sichuan Wiztoner,

Copier Repair Specialists, Digital Buyer, Ink Tech, Precision Roller, NAR Cartridges, Zhuhai Henyun, Zinyaw, Do It Wiser, MITOCOLOR, Yatengshang, ChengDuXiang, Erlandianzishang, and CJ-us in default. Order No. 18 (Sept. 28, 2021), *unreviewed by* Notice (Oct. 27, 2021). The Commission terminated respondents General Plastic, Katun, and Sun Data Supply from the investigation pursuant to consent order stipulations. Order No. 10 (July 1, 2021), *unreviewed by* Notice (July 19, 2021). The Commission further terminated respondent KenoGen from the investigation based on partial withdrawal of the complaint. Order No. 13, *unreviewed by* Notice (Aug. 25, 2021).

The Commission also terminated investigation as to certain claims of the Asserted Patents. Order No. 11, *unreviewed by* Notice (Aug. 25, 2021).

On October 1, 2021, Canon filed a motion seeking summary determination that the Defaulting Respondents have violated section 337 and requesting that the presiding ALJ recommend that the Commission issue a general exclusion order ("GEO") and cease and desist orders ("CDOs") against certain respondents and set a 100 percent bond for any importations of infringing goods during the period of Presidential review.

On May 15, 2022, the presiding Chief ALJ issued an initial determination ("ID") granting Canon's motion and finding violations of section 337 by the Defaulting Respondents with respect to certain asserted patent claims. The Chief ALJ recommended that the Commission: (i) issue a GEO; (ii) issue CDOs against respondents Ninestar Tech, Static Control, Copier Repair Specialists, Digital Buyer, Do It Wiser, Easy Group, Ink Tech, Precision Roller, LD Products, NAR Cartridges, Supplies Guys, MITOCOLOR, Zinyaw, Ninestar Corporation, Ninestar Image, Sichuan XingDian, Sichuan Wiztoner, Yatengshang, ChengDuXiang, and Erlandianzishang; and (iii) set a 100 percent bond for any importations of infringing products during the period of Presidential review.

On August 1, 2022, the Commission determined to affirm the ID's determination of a violation of section 337 with respect to Defaulting Respondents. 87 FR 48039-41 (Aug. 5, 2022). Accordingly, the Commission issued: (1) a GEO prohibiting the unlicensed entry of certain toner supply containers and components thereof that infringe one or more of claim 1 of the '667 patent; claim 1 of the '060 patent; claim 1 of the '061 patent; claim 1 of the '957 patent; claims 1 and 12 of the '814 patent; claims 50, 58, and 61 of the '032

patent; claims 1 and 13 of the '033 patent; claims 46 and 50 of the '654 patent; claims 1, 10, and 13 of the '881 patent; or claims 1 and 8 of the '882 patent; and (2) CDOs against respondents Ninestar Tech, Static Control, Copier Repair Specialists, Digital Buyer, Do It Wiser, Easy Group, Ink Tech, Precision Roller, LD Products, NAR Cartridges, Supplies Guys, MITOCOLOR, Zinyaw, Ninestar Corporation, Ninestar Image, Sichuan XingDian, Sichuan Witzoner, Yatengshang, ChengDuXiang, and Erlandianzishang. *Id.*

On April 25, 2023, respondents Katun and General Plastic filed a petition pursuant to Commission Rule 210.76 (19 CFR 210.76) to modify the GEO in order to clarify that the order does not cover certain Katun and General Plastic redesigned toner supply containers ("New Katun Containers"). Katun and General Plastic also assert that if Complainants "seek to extend language of the claims of the Asserted Patents to cover the New Katun Containers, such an expansion of scope is impermissible and renders the Asserted Patents invalid." Pet. at 2–3, 29–30.

On May 5, 2023, Complainants filed an opposition to Katun's and General Plastic's petition for a modification of the GEO. Complainants argue that Katun and General Plastic have not shown why the redesign could not have been adjudicated in the original investigation, and thus there is no basis to conclude the redesign constitutes a changed condition of fact. Complainants further argue that Katun and General Plastic do not make a plausible showing that the New Katun Containers do not infringe the Asserted Patents, and accordingly, no modification is required. Complainants argue that if a modification proceeding is instituted, then it should be referred to an ALJ for findings of fact and an initial determination. OUII did not file a response to the petition.

The Commission has determined that the petition complies with the requirements for institution of a modification proceeding under Commission Rule 210.76(a)(1) (19 CFR 210.76(a)(1)) to determine whether Katun and General Plastic's redesigned New Katun Containers infringe one or more of claim 1 of the '667 patent; claim 1 of the '060 patent; claim 1 of the '061 patent; claim 1 of the '957 patent; claims 1 and 12 of the '814 patent; claims 50, 58, and 61 of the '032 patent; claims 1 and 13 of the '033 patent; claims 46 and 50 of the '654 patent; claims 1, 10, and 13 of the '881 patent; or claims 1 and 8 of the '882 patent. The modification proceeding shall not include any

validity issues because an invalidity challenge is not a proper basis to modify an exclusion order. *Mayborn Group, Ltd. v. Int'l Trade Comm'n*, 965 F.3d 1350 (Fed. Cir. 2020). Further, the consent orders issued against Katun and General Plastic prohibit them from challenging validity of the relevant patents. 19 CFR 210.21(c)(4)(vi); Consent Order to Katun and General Plastic at ¶ 9 (July 19, 2021). Accordingly, the Commission has determined to institute a modification proceeding and refer the petition to the Chief ALJ as detailed in the accompanying Order.

The assigned ALJ will make findings, may request briefing, and will issue a recommended determination ("RD") to the Commission within six months of publication of this notice in the **Federal Register**. Should the ALJ determine that more time is necessary, the deadline may be extended for good cause shown. The Commission will issue a modification opinion within 90 days of receipt of the ALJ's RD unless the Commission otherwise orders. The following entities are named as parties to the proceeding: (1) Canon Inc; (2) Canon U.S.A., Inc.; (3) Canon Virginia, Inc; (4) Katun; (5) General Plastic; and (6) OUII.

The Commission vote for this determination took place on May 25, 2023.

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 part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: May 26, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023-11658 Filed 5-31-23; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-921 (Fourth Review)]

Folding Gift Boxes From China; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930 ("the Act"), as amended, to determine whether revocation of the antidumping duty order on folding gift boxes from

China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted June 1, 2023. To be assured of consideration, the deadline for responses is July 3, 2023. Comments on the adequacy of responses may be filed with the Commission by August 10, 2023.

FOR FURTHER INFORMATION CONTACT:

Kristina Lara (202-205-3386), 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 (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On January 8, 2002, the Department of Commerce ("Commerce") issued an antidumping duty order on imports of folding gift boxes from China (67 FR 864). Commerce issued a continuation of the antidumping duty order on imports of folding gift boxes from China following Commerce's and the Commission's first five-year reviews, effective May 18, 2007 (72 FR 28025), second five-year reviews, effective March 5, 2013 (78 FR 14269), and third five-year reviews, effective July 11, 2018 (83 FR 32073). The Commission is now conducting fourth reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full or expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include